



# 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, FEBRUARY 4, 2013  
7:00 p.m.

## A G E N D A

	<u>Page</u>
<b>CALL TO ORDER</b>	
<b>1. AGENDA APPROVAL</b>	
<b>2. MINUTES</b>	
2.1. Minutes of the Regular Meeting of Council held January 21, 2012	5-8
<b>3. PUBLIC HEARING</b>	
None	
<b>4. DELEGATIONS</b>	
4.1. Luke Marston, "Portuguese Joe Silvey" Commemorative Sculpture Project	
4.2. Judy Stafford, Cowichan Green Community Presentation of Cowichan Green Community 2012 Year in Review Video	
<b>5. PROCLAMATIONS</b>	
5.1. Mayor Hutchins has proclaimed February 11, 2013 as "Family Day – Unplug and Connect" in the town of Ladysmith, to promote the importance of engaging families to disconnect from electronic devices and screens and connect with each other.	
5.2. Mayor Hutchins has proclaimed February 14, 2013 as "V Day" in the Town of Ladysmith, to mark the fifteenth anniversary of V-Day, a global movement to end violence against women and girls.	
5.3. Mayor Hutchins has proclaimed the week of February 18 - 24, 2013 as "Heritage Week" in the Town of Ladysmith, in recognition of the value of heritage homes and neighbourhoods in building strong, welcoming communities.	
<b>6. DEVELOPMENT APPLICATIONS</b>	
None	

**7. BYLAWS (OCP / ZONING)**

None

**8. COUNCIL COMMITTEE REPORTS**

8.1. Mayor R. Hutchins  
Cowichan Valley Regional District; Ladysmith Chamber of Commerce

8.2. Councillor B. Drysdale  
Heritage Revitalization Advisory Commission; Protective Services Committee;  
Trolley Committee

8.3. Councillor J. Dashwood  
Trolley Committee; Ladysmith Early Years Partnership; Social Planning Cowichan  
Affordable Housing Directorate

8.4. Councillor G. Horth  
Government Services Committee; Advisory Planning Commission; Liquid Waste  
Management Committee; Ladysmith Downtown Business Association  
8.4.1 Government Services Committee Recommendations

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8.5. Councillor D. Paterson  
Protective Services Committee; Parks, Recreation and Culture Commission;  
Festival of Lights

8.6. Councillor G. Patterson  
Community Health Advisory Committee; Youth Advisory Committee; Liquid Waste  
Management Committee

8.7. Councillor S. Arnett  
Advisory Design Panel; Parks, Recreation and Culture Commission; Vancouver  
Island Regional Library Board; Celebrations Committee

**9. STAFF REPORTS**

9.1. Annual Public Works Department Tenders for 2013 - 2014 10-13

**10. CORRESPONDENCE**

10.1. Kathy Holmes, Ladysmith and District Arts Council 14-15  
Request for Town of Ladysmith support and partnership in application for  
funding to install an elevator to service the Waterfront Gallery in the Machine  
Shop

Staff Recommendation

That Council consider whether it wishes to partner with the Ladysmith and District Arts Council on a grant application to the BC Creative Spaces Program by contributing up to 25 per cent of the funds required to install an elevator for the Waterfront Gallery in the Machine Shop on Oyster Bay Drive. Staff are unable to comment on the financial aspects of this project at this time. Consideration is required on the capital and operation/maintenance costs of an elevator.

	<u>Page</u>
<b>10.2. Gary MacIsaac, Gas Tax Program Services Confirmation of funding approval through the Gas Tax Innovation Fund</b>	<b>16-17</b>
<u>Staff Recommendation</u> That Council approve receipt of funding through the Gas Tax Innovation Fund to support the Town of Ladysmith/Stz'uminus First Nation Cooperation Protocol Implementation Project, that a letter of thanks be sent to the Gas Tax Program, and that the funds be included in the 2013 Financial Plan.	
<b>10.3. Joe Barry, Cowichan Valley Regional District Request for written consent for CVRD Transit Service Establishment Amendment Bylaw, 2013</b>	<b>18</b>
<u>Staff Recommendation</u> That Council adopt the following resolution, as required by the Inspector of Municipalities, in order to add the Town of Ladysmith by bylaw as a participant in the CVRD Transit Service Area:  <i>That the Town of Ladysmith consents to the adoption of "CVRD Bylaw No. 3670 – CVRD Transit Service Establishment Amendment Bylaw, 2013".</i>	
<b>10.4. Kathy Ilott, Vancouver Island Region, Canadian Cancer Society, BC and Yukon Office Changes in Ladysmith and Parksville-Qualicum</b>	<b>19-21</b>
<u>Staff Recommendation</u> That Council consider whether it wishes to respond to the proposed closure of the Ladysmith Unit Office of the Canadian Cancer Society.	
<b>11. BYLAWS</b>	
<b>11.1. Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2013, No. 1814</b>	<b>22</b>
May be adopted.  <i>The purpose of Bylaw 1814 is to authorize the Town to transfer fund from the Cemetery Care Fund for the purpose of cemetery operations.</i>	
<b>11.2. Town of Ladysmith Fire Prevention Bylaw 2012, No. 1815</b>	<b>23-34</b>
May be adopted.  <i>The purpose of Bylaw 1815 is to repeal Burning Regulation Bylaw 2001, No. 1380 and to establish a new, updated bylaw to regulate burning and fire prevention in Ladysmith.</i>	
<b>12. NEW BUSINESS</b>	
<b>13. UNFINISHED BUSINESS</b>	
None	

**14. QUESTION PERIOD**

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

**15. EXECUTIVE SESSION**

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

- 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
- 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*;

**16. ARISE AND REPORT**

**17. ADJOURNMENT**



**TOWN OF LADYSMITH**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**MONDAY, JANUARY 21, 2013 - 7:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**

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**COUNCIL MEMBERS PRESENT:**

Councillor Jillian Dashwood  
Councillor Gord Horth

Councillor Steve Arnett  
Councillor Duck Paterson

Councillor Bill Drysdale  
Councillor Glenda Patterson

**COUNCIL MEMBERS ABSENT:**

Mayor Rob Hutchins

**STAFF PRESENT:**

Ruth Malli  
Sandy Bowden

Felicity Adams  
John Manson

Erin Anderson

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**CALL TO ORDER**

Deputy Mayor Jill Dashwood called the meeting to order at 6:00 p.m.

**EXECUTIVE SESSION**

**CS 2013-12**

It was moved, seconded and carried that Council convene the Executive (Closed) Session at 6:00 p.m.

The Regular Council meeting reconvened at 7:00 p.m.

**AGENDA APPROVAL**

**CS 2013-13**

It was moved, seconded and carried that the agenda for the Regular Council Meeting be adopted with the following addition under New Business:

- Leave of Absence for Councillor Duck Paterson

**Rob Waters, Ladysmith Chamber of Commerce - 2013 Visitor and Business Services Agreement with Town of Ladysmith**

Mr. Waters provided Committee with a summary of Chamber events which took place in 2012 and advised what is proposed for 2013. A brief discussion ensued.

**CS 2013-14**

It was moved, seconded and carried that Council approve the agreement between the Town of Ladysmith and Ladysmith Chamber of Commerce for Visitor and Business Services for 2013 as presented.

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**DEVELOPMENT PERMITS  
AND DEVELOPMENT  
VARIANCE PERMITS**

**Development Variance Permit – 517 High Street (Lots 7, 8 and 9,  
Block 124, District Lot 56, Oyster District, Plan 703A)**

Ms. B. Fallows, 509 High Street, expressed concerns regarding the proposed development at 519 High Street as it will reduce the amount of sunlight to her property. She suggested that the three lots be consolidated into one lot.

Mr. R. Johnson, 246 Bayview Avenue, expressed concern that approving the Development Variance application will set a precedent. Mr. Johnson also expressed concern regarding the ability for a property owner to build on a 25 foot wide lot.

Mr. Hancock, 539 Fourmeaux Road, advised that he is the developer and noted that he is not applying for a rezoning but a variance permit to vary the side lot lines.

CS 2013-15

It was moved, seconded and carried that Development Variance Permit application 30909-12-05 for Lots 7, 8 and 9, Block 124, District Lot 56, Oyster District, Plan 703A (517 High Street) to permit the siting of the single family residential dwellings on the lots be approved.

Opposed: Councillor Glenda Patterson

**Official Community Plan Amendment and Rezoning Application  
1201 and 1251 Christie Road (Lot 7 and Lot 8, DL 147, Oyster  
District, Plan VIP85271)**

CS 2013-16

It was moved, seconded and carried that:

- a) Council has considered s.879 of the Local Government Act (consultation during OCP development) and determines that for Official Community Plan (OCP) amendment application 3360-13-01 (1201 and 1251 Christie Road) the following consultation is to be undertaken:
  - Staff referral to the Advisory Planning Commission for review and comment;
  - Referral to the Stz'uminus First Nation;
  - Referral to the Ministry of Transportation; and
  - Schedule a neighbourhood information meeting.
- b) Council direct staff to prepare a bylaw to amend the Official Community Plan and a bylaw to amend the Zoning Bylaw to permit light industrial use on the properties legally described as Lot 7 and Lot 8, DL 147, Oyster District, Plan VIP85271 (1201 and 1251 Christie Road).
- c) Council direct staff to draft a land-use agreement (covenant)

to guide the design of development at 1201 and 1251 Christie Road.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**CS 2013-17**      **Fire Regulations Bylaw 1815**  
It was moved, seconded and carried that the report dated January 16, 2013 regarding Fire Regulations Bylaw No. 1815 be received and Council proceed with first three readings of the bylaw.

**CORRESPONDENCE**

Councillor Arnett declared a conflict of interest with the following item and excused himself from the meeting.

**CS 2013-18**      **Doug Bell, Ladysmith Maritime Society - Request for permission to use Unit B of the Machine Shop on a temporary basis for construction of docks for the Ladysmith Maritime Society Community Marina**  
It was moved, seconded and carried that Council authorize the Ladysmith Maritime Society to use Unit B of the Machine Shop on Oyster Bay Drive for the construction of additional visitor docks for the Ladysmith Maritime Society Community Marina, at no charge, until June 30, 2013.

Councillor Arnett returned to the meeting.

**BYLAWS**

**CS 2013-19**      **Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2013, No. 1814**  
It was moved, seconded and carried that Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2013, No. 1814 receive first three readings.

**CS 2013-20**      **Town of Ladysmith Fire Prevention Bylaw 2013, No. 1815**  
It was moved, seconded and carried that Town of Ladysmith Fire Prevention Bylaw 2013, No. 1815 receive first three readings.

**NEW BUSINESS**

**Picture of Ladysmith Light Up Published in Bellmore (N.Y.) Life Newspaper**  
Council noted that photos of the 2012 Light Up celebration were published in the Bellmore Life newspaper. Staff were directed to post the photos on the Town's website.

**CS 2013-21**      **Authorization for Councillor Duck Paterson to Remain Absent from Council Meetings**  
It was moved, seconded and carried that in accordance with Sec. 110(1)(b) of the Community Charter, Council authorize Councillor Duck Paterson to remain absent from Council meetings for a period of 60 days or 4 consecutive regularly scheduled Council meetings, whichever period is longer, during the 2013 calendar

year due to illness.

**QUESTION PERIOD**

R. Johnson, 246 Bayview Avenue, inquired about trolley revenues and the upcoming budget meeting schedule.

**EXECUTIVE SESSION**

CS 2013-22

It was moved, seconded and carried that the Regular Session of Council be adjourned at 8:26 p.m. and that the Executive (Closed) Session be reconvened.

**RISE AND REPORT**

The Executive (Closed) Session of Council arose with report on the following items at 9:25 p.m.:

- Re-posting of position of Director of Parks, Recreation and Culture

**ADJOURNMENT**

CS 2013-23

It was moved, seconded and carried that this meeting of Council be adjourned at 9:25 p.m.

**CERTIFIED CORRECT**

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Deputy Mayor (J. Dashwood)

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Corporate Officer (S. Bowden)





Town of Ladysmith  
**COMMITTEE REPORT**

To: Mayor and Council  
From: Councillor Gord Horth, Chair  
Date: January 24, 2013  
File No: 0550-20

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Re: GOVERNMENT SERVICES COMMITTEE - January 21, 2012

At its meeting on January 21, 2012 the Government Services Committee recommended to Council the following:

1. That the report entitled "2013 to 2017 Financial Plan Statement of Objectives and Policies" be received and
  - a) the Statement of Objectives and Policies for 2013 to 2017 be confirmed as presented; and,
  - b) the proposed dates to deliberate the 2013-2017 Financial Plan be confirmed as presented.
  
2. That a letter of appreciation be sent to Staff for recent clean-up efforts of the alleyway behind the Traveller's Hotel.



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: John Manson, FEC, PEng  
Date: January 23, 2013  
File No:

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Re: ANNUAL TENDERS

RECOMMENDATION(S):

That Council award the following contracts for a two year period to expire at the end of 2014:

Item	Awarded To
Asphalt and Paving	LaFarge (DBA Hub City Paving)
Laboratory Testing	Maxxam Analytics
Survey Layout	Pacific Land Surveying
Container Rental	BFI Canada
Concrete Supply	Bedrock Redi-Mix
Septic Services	Coast Environmental
Chorine Supply	Brenntag Canada
Gravel Supply and Disposal	Van Isle Aggregates

PURPOSE:

To provide an approved list of Public Works suppliers for 2013 - 2014.

INTRODUCTION/BACKGROUND:

Currently, the Town tenders the supply of a number of Public Works related services and supplies on an annual basis. Tenders were requested in December of 2012 for 2013 - 2014 for the services noted above. All supplies/services tenders received at least 2 bids except one tender, Septic services, which received one bid from Coast Environmental.

Staff have reviewed the tenders submitted. Generally, the tenders are awarded to the lowest bidder meeting the tender requirements. For the Lab Testing, Gravel Supply and Disposal, and Container Rental tenders, the bids were analyzed based on the anticipated quantities needed for each item type over a one year period. The overall best value package was then selected as the winning bid. Surespan submitted a price for concrete but the tender was not complete and therefore rejected.

Although the Septic services contract only received one bid, the Town does not contract a significant amount of work in this area, and therefore recommends award of the tender to the sole bidder.

Laboratory Services did not include a cost for the shipping of samples to the lab for testing. Staff have considered the submitted unit prices including shipping in recommending the low tender for laboratory services.

We have not included the tender for Equipment Rental at this time as staff are not in a position to make a recommendation at this time.

SCOPE OF WORK:

This tender package covers the supply of most of the consumables and contracted services that are required by Public Works each year.

ALTERNATIVES:

Tenders may be awarded to alternative bidders

FINANCIAL IMPLICATIONS:

All of this work is covered in the 2013 - 2014 budgets.

LEGAL IMPLICATIONS:

These tenders comply with the Town's purchasing policy. Each successful company will be required to obtain and hold a valid business license.

RESOURCE IMPLICATIONS:

Staff are recommending a two year tender period starting this year, which will reduce the overall staff effort required to prepare and manage our annual tender program.

I concur with the recommendation.

  
\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:

Appendix "A"

Tender: Asphalt and Paving

Tenderer	Date Received	Payment Patching, Trenching										Labour	
		Local	Machine Laid 100' 200 tonnes	Machine Laid 100' 400 tonnes	Machine Laid 100' 15 tonnes	Hand Placed < 15 tonnes	Hand Placed > 15 tonnes	Grinding	Grader & Operator	Roller & Operator	Graderman	Totals	
LePage Canada (Hub City Paving)*	18-Dec-12		\$194.00	\$220.00	\$255.00	\$310.00	\$255.00	\$460.00	\$460.00	\$65.00	\$165.00	\$150.00	\$68.00
Duncan Paving	18-Dec-12		\$245.00	\$270.00	\$310.00	\$460.00	\$460.00	\$460.00	\$65.00	\$165.00	\$150.00	\$75.00	

excludes taxes in cost  
\* 2012 Incumbent  
Recommendation:

LePage Canada (Hub City Paving)\*

Tender: Lab Testing

Tenderer	Date Received	Local		Specific tests 2		Totals			
		Bidder? 200 tonnes	Misc Testing 1 mix of various	Weekly tests (52)	Monthly	Quarterly	annual	15/Yr	
Maxxim Analytics*	12-Dec-12		\$9,672.00	\$1,149.00	\$260.00	\$285.00	\$61.50	\$500.00	\$11,932.50
North Island Laboratories	14-Dec-12		\$15,047.00	\$1,124.50	\$335.00	\$200.00	\$68.00	\$530.00	\$17,324.50
MB Laboratories	19-Dec-12		\$10,604.00	\$4,113.00	\$900.00	\$175.00	\$84.00	\$370.00	\$12,646.00
ASAT Laboratories	19-Dec-12		\$14,218.00	\$2,138.00	\$323.00	\$260.00	\$87.00	\$675.00	\$17,701.00
AIS Environmental	20-Dec-12		\$9,990.80	\$2,132.00	-	\$341.50	\$242.50	\$90.00	\$733.25

excludes taxes in cost  
\* 2012 Incumbent  
Recommendation:

Maxxim Analytics\*

Tender: Survey Layout

Tenderer	Date Received	Local		Pacific Land Surveying		Totals	
		Bidder? 4 cu	2 persons survey crew	Adm Person Monthly	office calcs	Vehicle Rental	Other Costs
Kenyon Wilson	04-Dec-12		\$150.00	\$50.00	\$100.00	\$10.00	-
McCallan Construction Survey*	14-Dec-12		\$415.00	\$40.00	\$75.00	\$10.00	at cost
Turner Land Surveying	20-Dec-12		\$150.00	\$50.00	\$95.00	included	cost + 5%
Westbrook Consulting	20-Dec-12		\$150.00	\$65.00	\$85.00	\$5.00	-
Pacific Land Surveying	20-Dec-12		\$115.00	\$40.00	\$55.00	included	at cost

excludes taxes in cost  
Recommendation:

Pacific Land Surveying

Tender: Container Rental

Tenderer	Date Received	Local		Transfer beach		Public Works		Totals	
		Bidder? 4 cu	Aggie Hall	Transfer beach 6 cu	4 cu	Com Centre 4 cu	Public Works 4 cu	Public Works 4 cu (summer)	per annum
Evergreen Industries DBA Alpine Group	13-Dec-12		\$246.81	\$397.74	\$307.43	\$277.12	\$155.88	\$311.76	\$76,913.79
The Alpine Group	17-Dec-12		\$205.00	\$340.00	\$270.00	\$210.00	\$140.00	\$140.00	\$58,520.00
Halkon Recycling DBA Enterra Env	19-Dec-12		\$129.90	\$185.76	\$133.36	\$131.63	\$123.84	\$247.68	\$48,655.80
Super Save Group	20-Dec-12		\$125.79	\$173.52	\$125.79	\$125.79	\$125.79	\$251.57	\$47,891.47
BFI Canada	20-Dec-12		\$121.31	\$182.00	\$129.98	\$125.64	\$121.31	\$206.23	\$44,708.10
Sun Coast Waste Services	20-Dec-12		\$190.00	\$270.00	\$190.00	\$190.00	\$134.00	\$268.00	\$61,326.00
Haarna Waste Innovations	20-Dec-12		\$168.47	\$295.50	\$248.60	\$185.00	\$123.00	\$195.00	\$55,619.04

excludes taxes in cost  
Recommendation:

BFI Canada

Tender: Concrete Supply

Tenderer	Date Received	Local		32mpa - 20mm		30mpa - 20mm		20mpa - 20mm	
		Bidder? 38mpa - 20mm <th>20mm <th>32mpa - 10mm <th>30mpa - 20mm <th>25mpa - 20mm <th>20mpa - 20mm </th></th></th></th></th>	20mm <th>32mpa - 10mm <th>30mpa - 20mm <th>25mpa - 20mm <th>20mpa - 20mm </th></th></th></th>	32mpa - 10mm <th>30mpa - 20mm <th>25mpa - 20mm <th>20mpa - 20mm </th></th></th>	30mpa - 20mm <th>25mpa - 20mm <th>20mpa - 20mm </th></th>	25mpa - 20mm <th>20mpa - 20mm </th>	20mpa - 20mm		
ABC Precast & Ready Mix	14-Dec-12		\$145.00	\$142.00	\$142.00	\$140.00	\$135.00	\$130.00	
Surespan Ready Mix	04-Dec-12		not supplied	not supplied	not supplied	not supplied	not supplied	not supplied	
Bedrock Redi-Mix	19-Dec-12		\$130.00	\$127.00	\$127.00	\$125.00	\$120.00	\$115.00	
Meyco Mix	18-Dec-12		\$132.00	\$129.00	\$135.50	\$127.00	\$122.00	\$117.00	

excludes taxes in cost  
Recommendation:

Bedrock Redi-Mix

Tender: Septic Services

Tenderer	Date Received	Local	Grit Cleanout	3 part cham	Expo Grit	hrly truck
	18-Dec-12	Bidder?	/hr. Annual	bi annual /hr	annually	rental
Coast Environmental*			\$95.00	\$95.00	\$95.00	\$95.00

excludes taxes in cost

\* 2012 Incumbent

Recommendation:

Coast Environmental\*

Tender: Chlorine Supply

Tenderer	Date Received	Local	68 kg tank	sod hyper	sod hyper 12%
	20-Dec-12	Bidder?	bid	tote	Delivery & Pickup
Cleartech Industries			\$122.40	\$1,464.00	\$9,000.00
Brenntag Canada*			\$106.00	\$701.00	\$7,200.00

excludes taxes in cost

\* 2012 Incumbent

Recommendation:

Brenntag Canada\*

Tender: Gravel Supply and Disposal

Tenderer	Date Received	Local	Supply and deliver										Annual Est Sub Total Supply	
			pitrun	crush	crush	crush	bedding	winter rd	birdseye	torpedo	drain rock	navi jack		
	Estimated Annual Quantity, tons		1000	2000	30	75	30	500	500	60	60	60	20	
Island Aggregates	07-Dec-12		\$8.40	\$12.40	\$12.90	\$12.40	\$8.90	\$8.90	\$19.90	\$17.15	\$13.90	\$12.00	\$45,784.00	
Van Isle Aggregates	14-Dec-12		\$7.40	\$11.65	\$11.40	\$8.40	\$8.40	\$14.90	\$14.90	\$12.90	\$10.50	\$10.50	\$42,214.00	
Lafarge (Hub City Paving)	18-Dec-12		\$8.80	\$12.55	\$10.10	\$10.10	\$11.25	\$13.25	\$13.75	\$13.75	\$23.00	\$23.00	\$49,388.00	
Stone Pacific Contracting	20-Dec-12		\$2.89	\$14.21	\$12.73	\$10.76	\$16.30	\$19.17	\$27.22	\$15.60	\$18.15	\$18.15	\$56,304.30	

\* prices do not include 3 inch minus as one tenderer could not supply a price for this item.

excludes taxes in cost

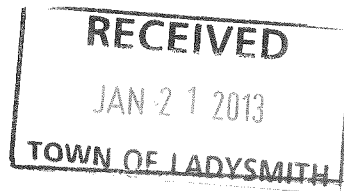
Tenderer	Date Received	Local	Dispose										Annual Sub Total Disposal	Total Estimated Cost
			asphalt	concrete	concrete	concrete	with rebar	19mm	3 inch	haul	back rate	Disposal		
	Estimated Annual Total, Tons		200	80	20	20	20	20	20	20	20	20	20	
Island Aggregates	07-Dec-12		\$0.00	\$30.00	\$0.00	\$0.00	\$0.00	\$91-\$127.50	\$1,800.00	\$1,800.00	\$47,584.00	\$47,584.00	\$47,584.00	
Van Isle Aggregates	14-Dec-12		\$0.00	\$0.00	\$0.00	\$0.00	\$120/hr	\$2,000.00	\$2,000.00	\$42,214.00	\$42,214.00	\$42,214.00		
Lafarge (Hub City Paving)	18-Dec-12		\$0.00	\$5.00	\$90.00	\$0.00	hourly	\$2,200.00	\$2,200.00	\$51,588.00	\$51,588.00	\$51,588.00		
Stone Pacific Contracting	20-Dec-12		\$5.00	\$5.00	\$19.00	\$0.00	\$10/tonne	\$1,780.00	\$1,780.00	\$58,084.30	\$58,084.30	\$58,084.30		

excludes taxes in cost

\* 2012 Incumbent

Recommendation:

Van Isle Aggregates



P O Box 2370, Ladysmith BC V9G 1B8 250-245-1252

Town of Ladysmith  
Box 220  
Ladysmith, BC  
V9G 1A2

Attention: Mayor and Council

Dear Mayor and Council:

Re: Elevator - Expo Building

The British Columbia Minister of Community, Sport and Cultural Development and Arts, Culture and BC Arts Council Branch has announced Project assistance for BC Creative Spaces. The grant may equal up to 75% of total project with diversified revenue sources given priority. Funding is available for one time projects such as an elevator for the Expo Building.

Maximum grants available are: Up to \$25,000 for purchase of specialized equipment and up to \$50,000 for the development of new spaces or improvement of existing facilities.

It appears that this would be a brilliant project for the Art Council and the Town of Ladysmith to install a much needed elevator in the Expo Building.

The art council attracts many seniors to the gallery and the stairs are a barrier to them as well as those with physical disabilities. This barrier discriminates those with handicaps from enjoying the amenities the gallery has to offer. Bus tours would also find it more attractive if their patrons could use an elevator service to visit the gallery. Nine Cruise ships will be docking in Nanaimo this year with visitors looking for things to see and do. We are missing the opportunity to have those visitors stopping in Ladysmith. An elevator would be an added service for our community members and visitors.

The Art Council of Ladysmith and District is looking for support and partnership. Deadline for the application is February 15. The art Council will also look for other funding partners in the community if Mayor and Council are in agreement.

For more information [http://www2.news.gov.bc.ca/news\\_releases\\_2009-2013/2013CSCD0001-000016.htm](http://www2.news.gov.bc.ca/news_releases_2009-2013/2013CSCD0001-000016.htm).

If you have any further questions please contact me at 250-245-1252 or email [admin@ladysmithwaterfrontgallery.com](mailto:admin@ladysmithwaterfrontgallery.com)

I could also be in attendance at a Town Council meeting for questions.

Thank You

A handwritten signature in cursive script that reads "Kathy Holmes".

Kathy Holmes

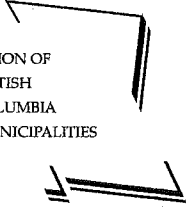
*President*

Scan to  
1885-20  
SFJ Joint Funding

# Gas Tax Program Services

...delivering the federal gas tax agreement funding in British Columbia

UNION OF  
BRITISH  
COLUMBIA  
MUNICIPALITIES



Administration provided  
By UBCM

Funding provided by:  
Government of Canada

# Canada

In partnership with:  
The Province of BC



## Gas Tax Program Services

Local Government House  
525 Government St  
Victoria BC V8V 0A8

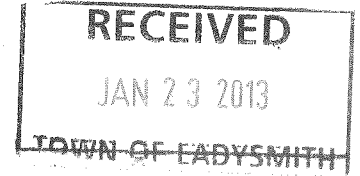
Phone: 250 356-5134  
Fax: 250 356-5119

Website:

www.ubcm.ca  
under  
Funding Programs

Gas Tax Fund, Gas Tax  
Agreement

January 22, 2013



Ruth E. Malli  
Chief Administrative Officer  
Town of Ladysmith  
410 Esplanade  
Ladysmith, BC V9G 1A2

Dear Ms. Malli:

### RE: GENERAL STRATEGIC PRIORITIES FUND AND INNOVATIONS FUND APPLICATION

At its January 9, 2013 meeting, the Gas Tax Agreement's Management Committee made funding decisions for the 2012 General Strategic Priorities Fund (GSPF) and Innovations Fund (IF) application intake. I am pleased to advise that your application (Reference: 73624811) for the Town of Ladysmith/Stz'uminus First Nation: Cooperation Protocol Implementation project has been approved for Innovations Fund of the lesser of \$50,000.00 or 100% of the actual eligible costs of the approved project.

Details of the funding, and recipient obligations in relation to it, will be set out in a Funding Agreement between UBCM and the Town of Ladysmith. Funding is subject to execution of the Funding Agreement, completion of the approved project and compliance with recipient obligations set out in the Agreement.

Since the grant amount is based on the total actual eligible costs of the project and payment of the grant is contingent on completion of the project, UBCM cannot release the funding until the project is complete. Details of the claim process, and instructions about how to make interim claims, if available, will be set out in the Funding Agreement.

Recipients are reminded that any communications should be undertaken jointly with the parties of the Gas Tax Agreement (Schedule G). If you are undertaking a capital project, Paul Taylor, UBCM's Relationships and Communications Advisor (250-356-2938; ptaylor@ubcm.ca) will contact your office to discuss communications options. Please keep the news of this funding in confidence until a communications approach has been established. All recipients of funding for Capacity Building/ICSP projects will be provided with a federally and provincially approved news release for distribution in February. Mr. Taylor will contact your office with further details.

The federal government has recently altered the signage guidelines for projects receiving Gas Tax Funds. Although the wording of the funding agreement does not yet reflect these changes, the federal government has assured UBCM that the new guidelines supersede the original requirements. Given the importance of signage in communicating the contributions of the federal

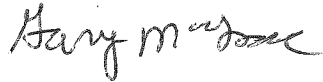


Government to communities through the program, we encourage all recipients of funding for capital projects to install signage that complies with the new guidelines (available at <http://www.ubcm.ca/EN/main/funding/gas-tax-fund/recipient-reporting.html>). To help UBCM demonstrate the compliance of the local governments with the signage guidelines, please enter your project in the Signage Reporting Form on this same web page.

We will be contacting senior staff in your organization in the coming weeks to confirm the details. If you have any questions in the interim, please contact Brant Felker, Gas Tax Policy and Program Manager at 250-356-0893 or by e-mail at [bfelker@ubcm.ca](mailto:bfelker@ubcm.ca).

Congratulations on your successful application.

Sincerely,



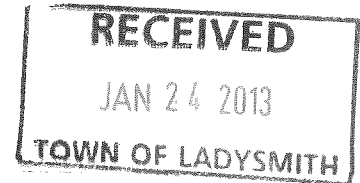
Gary MacIsaac, Chair  
Gas Tax Management Committee



January 23, 2013

File No.: Bylaw No.3670

Town of Ladysmith  
PO Box 220 – 410 Esplanade  
LADYSMITH BC V9G 1A2



Attention: **Ruth Malli**  
**City Manager**

Dear Mayor and Council,

Re: **"CVRD Bylaw No. 3670 – CVRD Transit Service Establishment Amendment Bylaw, 2013".**

The CVRD Board of Directors, at its regular meeting of January 9, 2013, granted first three readings to the attached Service Establishment Amendment Bylaw.

CVRD Bylaw No. 3670 provides for the addition of the Town of Ladysmith as a participant in the Transit Service Area; and amends the apportionment of the cost sharing formula among the participating areas. Please note specific financial details as outlined in the attached bylaw.

In order to submit CVRD Bylaw No. 3670 to the Inspector of Municipalities for approval, written consent must be obtained from the service area participants and the proposed partner. Accordingly, we request that the following resolution be considered and adopted by Council at its next meeting.

***"That the Town of Ladysmith consents to the adoption of "CVRD Bylaw No. 3670 – CVRD Transit Service Establishment Amendment Bylaw, 2013".***

Please do not hesitate to contact the undersigned should you have any questions regarding this process.

Yours truly,

Joe Barry  
Corporate Secretary

sc  
Enclosures

pc: Sharon Moss, Manager, Finance Division  
Jim Wakeham, Manager, Facility, Fleet & Transit Mgt Division

**From:** Debi Dempsey [ddempsey@bc.cancer.ca]  
**Sent:** January 28, 2013 2:46 PM  
**To:** Rob Hutchins  
**Subject:** Office Changes in Ladysmith and Parksville-Qualicum

**MESSAGE SENT OF BEHALF OF KATHY ILOTT, REGIONAL DIRECTOR  
VANCOUVER ISLAND REGION, CANADIAN CANCER SOCIETY**

**Re: Office Changes in Ladysmith and Parksville-Qualicum**

I am emailing to let you know that we have made a difficult decision to close the unit offices in Ladysmith and Parksville-Qualicum. Effective March 31, 2013, the Society will provide cancer prevention initiatives as well as support programs and services to residents in these communities through its unit office in Nanaimo supported by the Regional office in Victoria.

This was not an easy decision to make. We are closing the offices as a result of unpredictable economic times and the need for our charity to live within its means. By supporting our community programs and services through the Nanaimo office, we can reduce administrative costs and maximize our ability to continue to provide leading cancer prevention initiatives, trusted information and compassionate support programs to Vancouver Islanders.

I assure you that vital Canadian Cancer Society support services and programs will still be accessible for mid-Island residents including the Cancer Information Service, CancerConnection, Camp Goodtimes, the Vancouver Island Lodge and the Volunteer Driver Program. *Relay For Life* will continue to take place in Nanaimo, welcoming participants from Ladysmith and Parksville-Qualicum. The annual Daffodil Month campaign will continue to operate in these communities and Cops For Cancer Tour de Rock will still stop in each community as well.

We are incredibly grateful to you and (***insert name or community/business***). We hope you will continue to work with us to create a world where no Canadian fears cancer and to make an impact in your community.

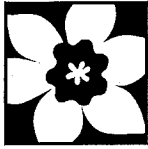
Attached is a Q&A that may help in answering any questions you might have. If you have other questions, please do not hesitate to contact me directly.

Many thanks,

Kathy Ilott  
Regional Director, Vancouver Island Region  
Canadian Cancer Society, BC and Yukon

1-800-663-7892 ext: 225

[kilott@bc.cancer.ca](mailto:kilott@bc.cancer.ca)



**Q: What happened?**

A: The Canadian Cancer Society, BC and Yukon, made the difficult decision to change operations in Ladysmith and Parksville-Qualicum due to challenging economic conditions as well as the need to reduce administrative costs and maximize our ability to continue providing our services to Islanders.

**Q: What will happen to the unit offices?**

A: The leases for both offices won't be renewed.

**Q: Have any staff been impacted by the closures?**

A: No paid employees have been affected by the closure of the Ladysmith office or the Parksville-Qualicum office.

**Q: What happens to the volunteers at these offices?**

A: We appreciate the hard work of our volunteers in both Ladysmith and Parksville-Qualicum and we hope to continue working together to create a world where no Canadian fears cancer. Even though we may not have a physical office in these communities, we invite them to continue volunteering with the Canadian Cancer Society. We will continue provide opportunities for volunteers who wish to be involved with any of our annual campaigns or programs.

**Q: How will support programs and services be delivered if you don't have an office?**

A: The Canadian Cancer Society's impact is broad and knows no geographic boundaries. We are committed to providing all Canadians, including the people across Vancouver Island, with leading cancer prevention initiatives, trusted information based on our funded research and compassionate support programs. All existing programs will continue to be overseen and supported through our regional office in Victoria and as currently facilitated through the remaining five unit offices island-wide or our nation-wide programs such as Cancer Information Service or CancerConnection.

**Q: Where are volunteers going to interact with you if you don't have an office in the community?**

A: Our Victoria-based team will continue to support the volunteer workforce at the Nanaimo unit office providing guidance and on-site training/support to ensure that we are able to enhance, recognize and celebrate healthy volunteer participation



Canadian  
Cancer  
Society

BRITISH COLUMBIA AND YUKON

**Operational Changes in  
Ladysmith and Parksville-Qualicum  
Questions & Answers**

**Q: Where does someone go to drop off donations?**

A: Donations can be dropped off at the Nanaimo office or can be made online. To find out more giving options, we encourage the public to call our toll-free line at 1-888-700-1131.

**Q: Why would I continue to donate to the Society when you aren't investing in my community?**

A: The Canadian Cancer Society's impact is broad and knows no geographic boundaries. We are committed to providing all Canadians, including the people across Vancouver Island, with leading cancer prevention initiatives, trusted information based on our funded research and compassionate support programs.

Donations to the Canadian Cancer Society help us to continue to serve the Vancouver Island region by providing vital support services and programs to Islanders such as the Cancer Information Service and CancerConnection as well as access to Camp Goodtimes, the Vancouver Island Lodge and Volunteer Driver Program.

TOWN OF LADYSMITH

**BYLAW NO. 1814**

A bylaw to appropriate monies from the Cemetery Care Trust Fund.

---

**WHEREAS** the sum of \$141,441.80 is on deposit in the Cemetery Care Trust Fund; and

**WHEREAS** it is deemed necessary to appropriate the sum of up to \$1,744.68 from the Cemetery Care Fund for the purpose of the Cemetery Operations; and

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. The sum of up to One thousand, seven hundred forty four dollars and sixty-eight cents (\$1,744.68) is hereby appropriated from the Cemetery Care Trust Fund and transferred to the General Revenue Fund to provide for the cemetery.

**Citation**

2. This bylaw may be cited as the "Cemetery Care Trust Fund Appropriation Bylaw 2013, No. 1814".

**READ A FIRST TIME** on the 21<sup>st</sup> day of January, 2013

**READ A SECOND TIME** on the 21<sup>st</sup> day of January, 2013

**READ A THIRD TIME** on the 21<sup>st</sup> day of January, 2013

**ADOPTED** on the day of

---

Mayor (R. Hutchins)

---

Corporate Officer (S. Bowden)

**TOWN OF LADYSMITH**

**BYLAW NO. 1815**

A Bylaw respecting the prevention of fires and the protection of persons and property.

---

**WHEREAS** pursuant to the *Community Charter*, SBC 2003, c. 26, the Council may, subject to the *Fire Services Act*, RSBC 1996, c. 144, and regulations made thereunder, by bylaw establish fire regulations for the protection of persons and property;

**NOW THEREFORE** the Council of the Town of Ladysmith, in open meeting assembled, enacts as follows:

**APPLICATION**

1. Burning Regulation Bylaw 1380, being cited as "Burning Regulation Bylaw 2001, No. 1380", is repealed.

**CITATION**

2. This bylaw may be cited as "Fire Prevention Bylaw 2013, No. 1815".

**DEFINITIONS AND INTERPRETATION**

3. In this Bylaw, unless the context otherwise requires:

"*BC Building Code*" - means the *British Columbia Building Code 2012*, adopted by BC Reg. 264/2012, as amended or re-enacted from time to time.

"*BC Fire Code*" - means the *British Columbia Fire Code 2012*, adopted by BC Reg. 263/2012, as amended or re-enacted from time to time.

"Campfire" - means a contained outdoor fire not exceeding 0.5 meters in diameter and 0.5 meters in height using fuel of seasoned wood, charcoal briquettes, propane or natural gas, being used for the purpose of cooking, providing heat or providing light.

"Class 1 Fire" - means an outdoor fire which permits special occasion and ceremonial fires only.

"Class 2 Fire" - means an outdoor fire which occurs in garden waste consisting of non-toxic garden materials stored on a parcel not exceeding one hectare in area, and includes grass clippings, leaves and branches pruned from trees and shrubs.

"Class 3 Fire" - means an outdoor fire which occurs in waste resulting from the demolition or construction of a building or structure where the volume of waste is limited to 0.5 cubic meters in volume.

"*Community Charter*" - means the *Community Charter*, SBC 2003, c. 26, as amended from time to time, and regulations made thereunder.

"Council" - means the Council of The Town of Ladysmith.

"Dwelling unit" - means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons usually containing cooking, eating, living, sleeping and sanitary facilities.

"*Environmental Management Act*" - means the *Environmental Management Act*, SBC 2003, c. 53, as amended from time to time, and regulations made thereunder.

“False alarm” - means an alarm activated for a purpose other than where an emergency exists that necessitates a response by the Fire Department.

“*Farm Practices Protection (Right to Farm) Act*” - means the *Farm Practices Protection (Right to Farm) Act*, RSBC 1996, c. 131, as amended from time to time, and regulations made thereunder.

“Fire Chief” - means the person appointed by Council as head of the Fire Department, and includes a person:

- (1) designated by Council to act in the place of the Fire Chief;
- (2) who, for the purposes of a local assistant under the *Fire Services Act*, is authorized in writing by the Fire Chief to exercise the powers of a local assistant;
- (3) appointed by Council as the Deputy Fire Chief; or
- (4) for the purposes of exercising the powers of the Fire Chief under section 66 of the *Community Charter*, who is acting under the authority of the Fire Chief.

“Fire Department” - means the Ladysmith Fire/Rescue Service.

“*Fire Services Act*” - means the *Fire Services Act*, RSBC 1996, c. 144, as amended from time to time, and regulations made thereunder.

“Garden refuse fire” - means an outdoor fire in which garden refuse is deliberately burned for the purpose of disposal.

“Hazard” or “hazardous” - means any condition or thing that the Fire Chief considers is a fire hazard or that may increase the risk of the start, spread or danger of fire.

“Inspector” - means a bylaw enforcement officer, peace officer or designated member of the Fire Department, the Fire Chief, or a person acting under the authority of the Fire Chief.

“*Local Government Act*” - means the *Local Government Act*, RSBC 1996, c. 323, as amended from time to time, and regulations made thereunder.

“Member” - means a paid or volunteer member of the Fire Department, and includes the Fire Chief and an inspector.

“Nuisance” - means:

- (1) the act of creating or maintaining a fire that does not comply with the requirements of this Bylaw, which causes a response by the Fire Department; or
- (2) any act or operation which interrupts the ability of the Fire Department to carry out its duties without encumbrance.

“Occupant” or “Occupier” - means the resident owner, lessee, licensee or tenant of any building to which any provisions of this Bylaw apply.

“*Offence Act*” - means the *Offence Act*, RSBC 1996, c. 358, as amended from time to time, and regulations made thereunder.

“Officer” - means the Fire Chief, a captain of the Fire Department or their designates duly appointed from time to time to lawfully act in that capacity.

“Outdoor fire” - means a fire that burns outdoors in the open air that is not enclosed in a fireplace, furnace or other such device, but does not include the striking of a match.



“Outdoor fireplace” - means a secured container, which is commercially manufactured, certified by the Canadian Standards or a similar entity, and designed with a chamber to hold an outdoor fire, used for heat, light, or cooking purposes.

“Owner” - means the registered owner of an estate in fee simple or his/her agent authorized in writing, ownership in a corporation and a company and includes the tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, corporate and public agency ownership, the holder or occupier of land held in the manner described in the *Local Government Act*, or an authorized agent of the owner acting on their behalf.

“Prohibited burning materials” - means material as defined in Schedule “A”.

“Smoke” - means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned.

“Smoke alarm” - means a combined smoke detector and audible alarm device designed to sound an alarm within the dwelling unit, suite or room in which it is located upon the detection of smoke within that room.

“Suite” - means a single room or series of rooms of complementary use, operated under a single tenancy, and includes individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories.

“Town” - means the Town of Ladysmith.

“Wood Burning Appliance” - means a solid fuel burning device including, without limitation, a stove and fireplace insert.

4. In this Bylaw, unless the context otherwise requires, any term defined in the *Community Charter* or the *Fire Services Act* shall have the same meaning in this Bylaw.

#### **FIRE DEPARTMENT AND CHIEF**

5. The Fire Chief is hereby authorized to exercise the following powers:
- (a) enter on any property in the event of an emergency or danger to a person or property;
  - (b) enter on any property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
  - (c) take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;
  - (d) require an owner or occupier of real property to undertake any actions directed by the Fire Chief for the purpose of removing or reducing anything or condition that the Fire Chief considers is hazardous; and
  - (e) exercise some or all of the powers of the fire commissioner under sections 21, 22 and 25 of the *Fire Services Act*, including the following:
    - (i) If an emergency arising from a fire hazard or from a risk of explosion causes the Fire Chief to be apprehensive of imminent and serious danger to life or property, or of a panic, the Fire Chief may immediately take the steps they think advisable to remove the hazard or risk;
    - (ii) For the purposes of subsection (i), the Fire Chief may evacuate a building or area, and may call on the police authorities who have jurisdiction to provide assistance;

- (iii) If the Fire Chief believes that conditions exist in or near a hotel or public building, that, in the event of a fire, might seriously endanger life or property, the Fire Chief may immediately take the action they believe advisable to remedy the conditions to eliminate the danger and may evacuate and close the hotel or public building;
  - (iv) For the purposes of subsection (iii), the Fire Chief may call on the assistance of peace officers and fire prevention authorities.
6. The Fire Chief is authorized to take or order the following measures be taken in order to prevent spread of fire or to prevent damage to persons or property or loss of life:
- (a) the erection of barricades to prevent or impede access to the area where the hazardous material is being stored;
  - (b) the posting of signs or tape to prohibit access;
  - (c) the application of water or some other agent to the hazardous material to reduce the risk of fire;
  - (d) the covering or burial of the hazardous material to reduce the risk of fire;
  - (e) the removal or disposal, which may include a controlled burn, of the hazardous material;
  - (f) the cessation of the use of machinery or equipment in the vicinity of the hazardous material; and
  - (g) the demolition of any building or part of a building which, in his judgment, should be demolished to prevent the spreading of fire.

#### **FIRE PREVENTION AND SAFETY**

7. The following provisions shall apply to all owners, occupants and other persons, as applicable, in order to prevent spread of fire or to prevent damage to persons or property or loss of life:
- (a) The owner or occupant of any lands, premises, yards or buildings situated within the Town shall at all times keep the same in safe condition so as to guard against the starting and the spread of fire;
  - (b) The occupier of real property must keep and maintain in good working order any fire protection related equipment and fire protection structural features required to be installed pursuant to the *BC Building Code* or required to be maintained by the *BC Fire Code* or other enactment;
  - (c) No owner or occupant shall allow accumulations of empty boxes, barrels, rubbish, trash, waste paper excelsior or any light combustible materials, on any property, sidewalk or alley, except that such materials may be stored in a receptacle of fire resistant material fitted with fire doors, or in metal containers equipped with tight-fitting metal lids;
  - (d) The owner, occupier or agent of any vacant building must at all times keep the building free of debris and flammable material, and keep all openings in such buildings securely fastened and closed so as to prevent the entry of unauthorized persons. After notice of a requirement to secure or repair has been delivered by the Town to the owner or occupier of a building unsecured for more than a 7 day period, or in a state of repair contrary to this Bylaw, a building will be considered a threat to public safety, and Town staff or others may enter onto the property to secure or repair as required in the notice. Any charges incurred by the Town in securing or repairing the building are the responsibility of the owner in accordance with section

17 of the *Community Charter* and may be collected in accordance with section 258 of the *Community Charter* as property taxes;

- (e) The owner of a fire damaged building will ensure that the building is either guarded or all openings secured to prevent unauthorized entry;
  - (f) The occupier of any lands, premises, or facilities of buildings must at all times keep same in safe condition so as to guard against the starting or spreading of fire by complying with the requirements of Division B of the *BC Fire Code*. In particular, and without limiting the generality of the foregoing, an occupier must, where applicable:
    - (i) maintain the required vehicle access for the Fire Department;
    - (ii) maintain a means of egress;
    - (iii) provide and maintain an approved fire safety plan;
    - (iv) maintain fire hydrants in an approved manner;
    - (v) maintain the fire alarm;
    - (vi) maintain emergency lighting and exit lighting;
    - (vii) maintain commercial cooking equipment;
    - (viii) maintain portable fire extinguishers; and
    - (ix) maintain an automatic sprinkler and /or standpipe and hose system;
  - (g) The owner of a building having a fire alarm system or a sprinkler system must maintain and provide a current list of accessible contact person(s) to the Fire Department. Contact person(s) must be available to attend all alarms within 1 hour from the time they are notified;
  - (h) No person may smoke in areas where conditions may cause a fire or explosion and "No Smoking" signs shall be posted by the building owner or an authorized agent of the owner acting on their behalf; and
  - (i) Every mobile caterer carrying on business within the Town and utilizing commercial cooking equipment that creates grease laden vapours in a confined compartment must maintain and operate exhaust and hood systems that comply with the *BC Fire Code*.
8. The following provisions shall apply to all wood burning appliances:
- (a) No owner or occupier of real property may cause or permit smoke from the burning of prohibited burning materials in a wood burning appliance; and
  - (b) No person may install a wood burning appliance after the adoption of this Bylaw that does not comply with the emission standards established by the Canadian Standards Association or the United States Environmental Protection Agency, as outlined in the *Solid Fuel Burning Domestic Appliance Regulation*, BC Reg. 302/94 enacted under the *Environmental Management Act*.
9. The following provisions shall apply to all smoke alarms:
- (a) Every owner of a residential premise in the Town must ensure that smoke alarms are installed and maintained in every dwelling unit or suite and in each sleeping room not within a dwelling unit, except for institutional occupancies which are required by enactment to have a fire alarm system;

- (b) Every owner must test the smoke alarms in compliance with the manufacturer's recommendation within the dwelling unit, suite or sleeping room to ensure that the smoke alarm is functioning correctly. If a smoke alarm is not functioning correctly, the occupant, if he or she is not the owner, must inform the owner immediately on becoming aware of the failure, and the owner forthwith repair or replace the smoke alarm;
- (c) A smoke alarm required under this Bylaw must conform to the Canadian standard set by Underwriters Laboratories Canada (CAN/ULC) – "S531 Standard for SMOKE ALARMS", and be installed and maintained in conformance with "CAN/ULC - S553 Standard for the Installation of Smoke Alarms";
- (d) Without limiting subsection 4.3(c), a smoke alarm required for a residential premise must be installed in accordance with the *BC Building Code* and the *BC Fire Code*;
- (e) Every owner or occupier must notify the Fire Department of any work on or malfunction of a fire alarm system, to avoid false alarms being received;
- (f) Every owner or occupier must replace faulty alarm components in an expeditious manner to prevent undue false alarms being transmitted to the Fire Department; and
- (g) If the owner or occupier fails to keep the fire alarm system in repair, or to notify the Fire Department of testing, maintenance or any condition that causes the Fire Department to be summoned unnecessarily, the owner or occupier as applicable is liable to a fine as per section 9.0 of this Bylaw.

#### **FIRE SAFETY INSPECTION AND ORDERS**

10. The Fire Chief, Inspector and any Officer of the Fire Department may at all reasonable hours and subject to the terms in the *Community Charter* enter into and upon any property or private dwelling units:
  - (a) for the purpose of testing or inspecting;
  - (b) for the purpose of testing or inspecting buildings, as required by the *Fire Services Act*;
  - (c) to determine if the Fire Department access and an adequate water supply are available for fire suppression purposes; or
  - (d) to determine if the requirements of this Bylaw are being carried out.
11. The following obligations shall apply to all persons:
  - (a) No person may obstruct, hinder or prevent any authorized Fire Department member from entering into or upon any property or private dwelling units.
  - (b) The owner or occupier of a building or property or any other person having knowledge of a building or property must, upon request, give to a member of the Fire Department who is carrying out an inspection on a building or property such assistance as he/she may require in carrying out the inspection.
12. If the Fire Chief finds that any provision of this Bylaw has been contravened or has not been complied with, or has been complied with improperly or only in part, or that conditions exist in or upon a building or property to which the Bylaw applies and which, in their opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, they may make such notice as to ensure full and proper compliance with this Bylaw, and in particular, but without limiting the generality of the foregoing, the Fire Chief may:

- (a) make to the owner, occupier or lessee of the building or property such recommendations as he deems necessary to correct the contravention or to ensure compliance with this Bylaw, or to remove the hazards referred to in the Bylaw; or
  - (b) make such notice as he deems necessary with respect to any of the matters referred to in this Bylaw, provided that such notice made under this Bylaw shall be in writing and must be directed to the occupier, or where the occupier is not the owner, to the owner and the occupier of the building or property in respect of which the notice is made.
13. An Inspection Notice made under this Bylaw shall be served:
- (a) by delivering it or causing it to be delivered to the person to whom it is directed; or by
  - (b) sending the notice by return registered or certified mail to the last known property owner at the owner's last known address; or
  - (c) after 14 days of sending a notice by return registered or certified mail to the last known property owner at the owner's last known address, posting a copy in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known or refuses to accept service of notice.

#### **BURNING REGULATIONS**

14. No person shall:
- (a) except as expressly permitted by this Bylaw, start or maintain any outdoor fire or permit any outdoor fire on property owned or occupied by that person;
  - (b) burn any noxious, explosive, corrosive or toxic materials, pesticide or herbicide in an outdoor fire;
  - (c) burn materials brought from another location in an outdoor fire;
  - (d) light, ignite, start or allow or cause to be lighted, ignited or started, an outdoor fire without first obtaining a permit if required by this bylaw; or
  - (e) start or maintain a fire without adequate supervision or the capability of extinguishing the fire.
15. The following types of outdoor fires may be started and maintained at any time without a permit and are excluded from the regulations of this Bylaw:
- (a) fires used or recommended by the Ministry of Forests to manage ecosystems for purposes of silviculture management, forest fuel management, fire hazard reduction, wildlife enhancement, domestic range improvement and the use of fire as a means of fire control;
  - (b) fires started by the Fire Department for training purposes or to prevent the commencement or spreading of fire;
  - (c) burning by a farm business on the lands of a farm operation, as defined in, and in compliance with, the terms of the *Farm Practices Protection (Right to Farm) Act*; and
  - (d) Campfires and outdoor fireplaces meeting the following criteria:
    - (i) Campfires and outdoor fireplaces situated not less than 5 meters from any combustibles including but not limited to buildings, sheds, shrubs, grassy fields, or property boundaries; and

- (ii) Campfires contained and maintained in a manner that will prevent any fire from escaping or growing bigger than 0.5 meters in size.
16. No person shall start or maintain a Class 1 Fire unless it is for a civic event, function or festival approved by an Officer.
  17. No person shall start or maintain a Class 2 or 3 Fire or a garden refuse fire.
  18. A person who wishes to start an outdoor fire not excepted by section 6.1 shall obtain a permit and complete and sign an application in the form outlined in Schedule "B" attached to this Bylaw, subject to the following:
    - (a) An Officer may issue a permit in the form attached to this Bylaw as Schedule "B" and, prior to issuing a permit, inspect the proposed site of the fire and direct that actions be taken to comply with the provisions of this Bylaw and specify in the permit the fire fighting equipment to be provided on the site of the fire or any other precautions;
    - (b) The dates on which a permitted outdoor fire may burn shall be stated on the permit;
    - (c) An Officer may refuse to issue a permit when the Officer considers that it is not safe for the proposed fire to be started or maintained and may, without limiting what the Officer may take into account, consider weather conditions, site conditions and availability of Fire Department personnel to extinguish the proposed fire;
    - (d) The permit holder shall inspect the fire site following the permit expiration date and within 4 hours of the cessation of the fire and ensure that the fire is extinguished;
    - (e) Despite the issuance of a permit, no person may start a fire if wind and weather are such that to do so is likely to be hazardous or when banned under Provincial regulation;
    - (f) Despite the issuance of a permit, every person must comply with the requirements set out in the *Open Burning Smoke Control Regulation*, BC Reg. 145/93, enacted under the *Environmental Management Act*. Such requirements include, but are not limited to, the required distance an outdoor fire must be from buildings, duration of smoke release, smoke free periods per year, weather conditions and smoke reduction measures; and
    - (h) An Officer may take any action to ban, extinguish or require extinguishment of any burning under permit or the conditions of this section 6.4 that they consider hazardous or a nuisance.

#### **PUBLIC DUTIES AND OBLIGATIONS**

19. No person may impede, hinder or obstruct the extinguishment by the Fire Department of any fire. Every person who fails to comply with the orders or instructions of a member of the Fire Department engaged or about to be engaged in the extinguishment of a fire may be forcibly removed from the scene of such emergency or fire by an Officer, peace officer or Inspector.
20. No person may refuse to permit any member of the Fire Department to enter into or on any premises, for which an alarm of fire has been received, or in or upon any premises while the member has reasonable grounds to suspect that a fire exists.
21. No person shall drive a vehicle over any fire hose or other Fire Department equipment without the permission of the Fire Chief or persons designated to give permission.

- 22. No person may cause or contribute to the causation of a false alarm which requires the Fire Department to be summoned. Any person found so intentionally or negligently causing a false alarm is liable to a fine as per section 9.0 of this Bylaw.

**ENFORCEMENT AND COST RECOVERY**

- 23. If an owner or occupier is in default of a notice made under this Bylaw, the Fire Department or the Town, by its workers or others, may enter the property and effect such work as required in the notice, at the expense of the owner or occupier so defaulting, and any charges so incurred and remaining unpaid on December 31 of that year shall be added to and form part of the taxes payable on the real property as taxes in arrears.
- 24. Every person who contravenes or violates any provision of the *BC Fire Code*, this Bylaw, or any permit or order issued pursuant to this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw or any permit or order issued pursuant to this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or any permit or order issued pursuant to this Bylaw, commits an offence and is subject to prosecution in accordance with the *Offence Act*.
- 25. Any of the Bylaw Enforcement Officer, Inspector or the Fire Chief are designated to enforce this Bylaw under section 264(1)(b) of the *Community Charter*.

**GENERAL**

- 26. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phase.
- 27. If the singular or masculine or neuter is used in this Bylaw, the same must be construed as meaning the plural, the feminine or body corporate where the context so requires.
- 28. Schedules “A” and “B” form a part of and are enforceable in the same manner as this Bylaw.

READ A FIRST TIME	on the	21 <sup>st</sup>	day of	January, 2013
READ A SECOND TIME	on the	21 <sup>st</sup>	day of	January, 2013
READ A THIRD TIME	on the	21 <sup>st</sup>	day of	January, 2013
ADOPTED	on the		day of	, 2013

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Mayor (R. Hutchins)

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Director of Corporate Services (S. Bowden)

**SCHEDULE "A"**  
Attached to and forming  
part of Bylaw No. 1815

Prohibited Burning Materials

The following shall constitute prohibited materials:

tires	treated lumber
plastics	railway ties
drywall	manure
demolition waste	rubber
domestic waste	asphalt products
paint	fuel and lubricant containers
hazardous waste	biomedical waste
tar paper	





**SPECIAL INSTRUCTIONS AND CONDITIONS**

1. Only well dried and cured products are to be burned.
2. The ventilation index, as defined in the *Open Burning Smoke Control Regulation*, BC Reg. 145/93, enacted under the *Environmental Management Act*, as amended from time to time, must be “good” for the day the open burning is to be started, and, if applicable, “good” or “fair” for the second day the debris is anticipated to release smoke. In addition, open burning must not be initiated if the local air flow will cause the smoke to negatively impact on nearby population.
3. Burning will only take place on Monday to Friday of any week.
4. Burning will be permitted between \_\_\_\_\_, 20\_\_ and \_\_\_\_\_  
\_\_\_\_\_, 20\_\_.
5. Burning must meet the requirements specified in the *Open Burning Smoke Control Regulation*.
6. Special Burning Permits issued will be valid only for that one occasion.
7. Permits will be cancelled if, in the opinion of the Fire Chief, the burning is creating a hazardous condition, and the fire will be ordered extinguished.
8. All other requests to burn will be referred to the Fire Chief for chipping consideration.