

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 598

A bylaw to regulate the emission of smoke or other airborne emissions and nuisances in the Electoral Area of Roberts Creek

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

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

This bylaw may be cited as *Roberts Creek Smoke Control Regulations Bylaw No. 598, 2008*.

In this bylaw:

Bylaw Enforcement Officer:

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

Class B Burn Pile:

Means a small backyard fire for burning waste material. The accumulations are normally hand piled, garden refuse materials and may be contained within an incinerator.

Construction Waste:

Means waste materials resulting from the construction, alteration, renovation or demolition of any building, structure and without limiting the generality of the foregoing, includes paper, plastic, drywall and wood materials such as dimensional or pressure treated lumber, plywood and particle board.

Outdoor Fire:

Means every fire that burns in the open air whether or not it is completely enclosed in an incinerator, outdoor furnace or other device, but does not include a campfire for cooking or warmth, a barbecue, or a fire for the purpose of ceremony, where all regulations of the applicable fire department and any other authority having jurisdiction are observed.

Regional District:

Means the Sunshine Coast Regional District.

Roberts Creek Smoke Control Service Area:

Means the service area established by Roberts Creek Smoke Control Service Establishing Bylaw No. 1055, 2005 (the entire Electoral Area of Roberts Creek).

Toxic Materials:

Includes rubber tires, tar, asphalt shingles, batteries, electrical wire insulation, various plastic compositions, and all other similar substances which may produce heavy black smoke.

No person shall start, permit or maintain an outdoor fire whether within an incinerator or otherwise for the burning of a Class B burn pile or the burning of construction waste or toxic waste.

Despite the provisions of *Sunshine Coast Regional District Fire Protection Bylaw No. 354*, and Section 3 of this Bylaw, for the purposes of the Roberts Creek Smoke Control Area, the burning of Class B burn piles is permitted only from April 1st - 15th and October 15th - November 15th on properties of one hectare or greater in size when the Ventilation Index is rated as 'good'. Materials to be burned must originate from the property on which the fire is to be located. The fire must be attended at all times by a person 19 years of age or older with suitable tools and water available.

As an exception to Section 4 of this Bylaw, the Regional District may, by Board resolution, extend the burning period if circumstances warrant an extension.

As an exception to Section 4 of this Bylaw, the Bylaw Enforcement Officer may, upon receipt of a non-refundable \$25 application fee, issue a permit for special burning related to site or safety factors. Every application for a permit pursuant to this Bylaw shall be made to the Bylaw Enforcement Officer in the form prescribed by him/her for such purpose. The Bylaw Enforcement Officer is hereby authorized and empowered to grant or refuse any such permit.

The Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, upon any property within the Roberts Creek Smoke Control Service Area where he/she believes, or has reason to believe, an offence under this Bylaw is being committed.

No person shall purposely withhold or falsify any information required by the Bylaw Enforcement Officer, or refuse to assist in the carrying out of any inspection pursuant to this Bylaw.

No person shall obstruct or interfere with the Bylaw Enforcement Officer while carrying out any inspection pursuant to this Bylaw.

Every person who contravenes any provision of this Bylaw is guilty of an offence under the *Offence Act* and is liable on summary conviction to a fine of not less than \$100.00 and

not more than \$10,000 or imprisonment of not more than six months.

This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.

Each day that a contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.

This bylaw shall come into force and effect on January 1, 2009.

READ A FIRST TIME this 2nd day of October, 2008

READ A SECOND TIME this 2nd day of October, 2008

READ A THIRD TIME this 2nd day of October, 2008

ADOPTED this 16th day of October, 2008

CORPORATE OFFICER

CHAIR

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