

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 4757

A BY-LAW to prevent, abate and prohibit certain nuisances including the fouling or contaminating of the atmosphere through the emission of smoke, dust, gases, sparks, ashes, soot, cinders, fumes or other effluvia.

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY AIR POLLUTION CONTROL BY-LAW 1965."
2. In this by-law, unless the context otherwise requires,
 - (1) "Medical Health Officer" shall include his authorized representative.
 - (2) "Air Pollution" shall mean the pollution of air by smoke, dust, soot, fly-ash, fumes, noxious gases and other harmful substances.
 - (3) "Chimney" includes stacks, flues, structures, apertures, or openings of any kind from or through which smoke or solid matter may be produced or emitted into the atmosphere.
 - (4) "Dust" shall mean air-borne solid particles, including fly-ash, cinders and soot.
 - (5) "Dust-separating equipment" shall include any device for separating dust or other solid matter from the gaseous medium carrying it and shall include equipment designed to prohibit, limit or suppress the emission or air-borne solid particles, including fly-ash, cinders and soot to the atmosphere.
 - (6) "Fumes" means aerosols generated by condensation of minute particles, whether liquid or solid, from the gaseous state.
 - (7) "Open-fire" shall mean any combustion the products whereof are emitted directly into the atmosphere and not by means of a chimney and shall include a garden or domestic incinerator operated out of doors.
 - (8) "Smoke" shall mean gas-borne, or air-borne particles not readily distinguishable as cinders or fly-ash and consisting essentially of carbonaceous material in sufficient quantity to be observable.
3. Schedule "A" containing the Micro Ringelmann Chart is declared to be and to form an integral part of this by-law and the density indications of the said chart shall constitute the standard smoke chart for the Municipality of Burnaby.

4. The Medical Health Officer shall have the following duties and powers under this by-law:

- (1) To investigate complaints, to make observations of smoke and other causes of air pollution and of causes of nuisance and to require the taking of any steps necessary to minimize the effect of such smoke or air pollution or to abate such nuisance as the case may be.
- (2) To enlist the co-operation of technical, scientific, or educational organizations with respect to the subject matter of this by-law.
- (3) To issue permits and certificates under this by-law and to record all work undertaken under this by-law in connection with the inspection of installations, apparatus, equipment or devices.

5. (1) The Medical Health Officer shall have the right of entry at all reasonable times into any building or premises in order to inspect the said building or premises or installations, apparatus, equipment or devices therein for the purpose of this by-law.

(2) Any person interfering with or obstructing the entering of the Medical Health Officer into any building or premises shall be deemed guilty of a violation of this by-law.

6. (1) No person shall construct, reconstruct, install, convert, alter or add to, any incinerator for the disposal of industrial or commercial scrap or waste material (including sawdust, refuse, rubbish, garbage or any combination thereof), until an application, including suitable plans and specifications, has been filed with the Medical Health Officer and a permit has been issued by him.

(2) Every incinerator shall be equipped with auxiliary heat sources whenever required for efficient combustion.

(3) Every incinerator chimney shall be fitted with the means necessary to regulate the velocity of exit gases.

- (4) No incinerator may be vented into a chimney used for any other purpose, unless such venting may be done without hazard.
7. Any equipment emitting dust, fumes, solid or liquid particles, and thereby causing a nuisance shall be fitted with a dust collector.
8.
 - (1) No person shall for the purpose of reclaiming wire or metal products, or salvaging any other material, set, feed, or maintain any open fire or cause, permit, or suffer any open fire to be set.
 - (2) No person shall otherwise reclaim, salvage or clean materials or any other inorganic substances by heat or fire unless within a building or structure and by using equipment that will prevent emissions in violation of section 9.
9.
 - (1) Except as hereinafter provided, no person shall discharge or allow to be discharged into the atmosphere from any one source of emission any dust, fumes or smoke which are
 - (a) as dark or darker in shade than that designated No. 2 on the Micro Ringelmann chart as illustrated in Schedule "A" to this by-law; or
 - (b) of such opacity as to obscure the view of an observer to a degree equal to or greater than that prescribed in clause (1) hereof.
 - (2) Any person using power-generating equipment may for a period or periods aggregating not more than three minutes in any one hour, discharge or allow to be discharged into the atmosphere from any one source of emission any dust, fumes or smoke which exceed the limits or standards herein prescribed when commencing operations or during periods of load fluctuation.
10. No person shall commit a nuisance of any kind whatsoever.

11. Every person who violates any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act which violates any of the provisions of this by-law, shall be deemed to be guilty of an infraction thereof and liable to the penalty hereinafter provided.

12. (1) Any person who shall violate any of the provisions of this by-law shall be liable on summary conviction to pay a fine not exceeding Five Hundred Dollars or to imprisonment not exceeding six months, or to both.

(2) Every person convicted of unlawfully committing a nuisance shall pay, in addition to any other penalty, the cost to abate the said nuisance.

Read a first time this 28th day of June, 1965.

Read a second time this 28th day of June, 1965.

Read a third time this 16th day of August, 1965.

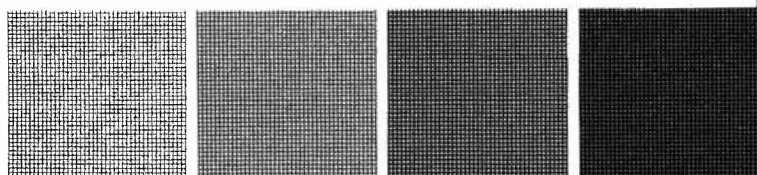
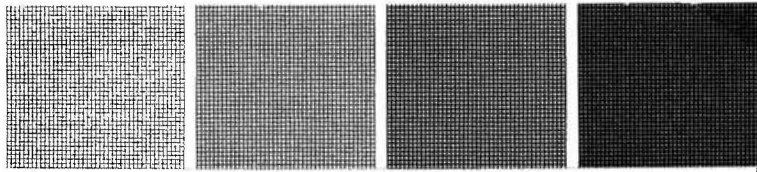
Reconsidered and adopted this 30th day of August, 1965.



[Handwritten Signature]
R E E V E

[Handwritten Signature]
C L E R K

SCHEDULE "A"



No. 1

No. 2

No. 3

No. 4

Power's MICRORINGELMANN

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