

# THE CORPORATION OF THE VILLAGE OF BURNS LAKE OPEN AIR BURNING BYLAW

## NO. 1001, 2019

A bylaw to provide for the regulation of open air burning.

**WHEREAS** the *Local Government Act* authorizes Council, by bylaw, to make regulations with respect to fire suppression and prevention;

**AND WHEREAS** the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to the protection and enhancement of the air quality of the community;

**AND WHEREAS** the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relationship to the protection of the natural environment;

**NOW THEREFORE** the Council of the Village of Burns Lake in open meeting assembled enacts as follows:

### CITATION

1. This Bylaw may be cited as **“Open Air Burning Bylaw No. 1001, 2019.”**

### INTERPRETATION

2. In this Bylaw:

**“Approved Incinerator”** means a noncombustible container placed upon a noncombustible base and filled with a device or screen to contain sparks and flying debris.

**“Building”** means any structure used or intended to be used for supporting or sheltering any use or occupancy.

**“Campfire”** means a fire not exceeding 0.5 metres in diameter and 0.5 metres in height, contained within a fire pit, intended for, and used for the preparation of food and to provide warmth. All campfires must comply with the *Wildfire Act* and the *Wildfire Regulation* of British Columbia.

**“Council”** means the Council for the Corporation of the Village of Burns Lake.

**“Department”** means the Burns Lake Fire Rescue Department.

**“Deputy Fire Chief”** means the person second in command to the Fire Chief.

**“Equipment”** means any tools, contrivances, devices or materials used by the Department to combat an Incident or other emergency.

**“Fire Chief”** means the person appointed by Council, as head of the Department, and shall be deemed to be a Municipal Public Officer as defined in the Community Charter.

**“Fire Pit”** means a noncombustible enclosure, being a minimum of 30 cm in height; having a minimum of three sides, if rectangular; and having a minimum outside width of 0.75 meter and length of 0.75

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meter; or having a maximum diameter (if round) of 0.75 meter; **“Fire Protection”**- means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

**“Incident”** means a fire or situation where a fire or explosion is imminent and includes assistance response circumstances described in Section 4 of this bylaw.

**“Member”** means any person appointed by the Fire Chief as a Member of the Department and includes without limitation the Officers, Firefighters, and administrative staff of the Fire department.

**“Occupier”** includes tenant, lessee, agent and any other person who has the right of access and control of a building or premises to which this Bylaw applies.

**“Officer”** means a Member appointed by the Fire Chief as an Officer or captain of the Department, but nothing in this Bylaw makes such a person Officers for the purpose of Section 146 of the Community Charter.

**“Officer in Charge”** means the Fire Chief or, in his absence, the senior ranking Officer or Member of the Department who is present at the location of the Incident.

**“Open Fire”** means any fire, other than a **“campfire”**, as defined by the *Wildfire Act* and the *Wildfire Regulation* of British Columbia.

**“Prohibited Burning materials”** means waste material including demolition, renovation or construction waste material and those listed in the **Open Burning Smoke Control Regulation** enacted pursuant to the **Environmental Management Act** as amended from time to time including the following:

- |                     |                                  |
|---------------------|----------------------------------|
| a. Tires            | i. Domestic waste                |
| b. Treated wood     | j. Asphalt                       |
| c. Plastics         | k. Paint                         |
| d. Railroad ties    | l. Asphalt products              |
| e. Drywall          | m. Special waste                 |
| f. Manure           | n. Fuel and lubricant containers |
| g. Demolition waste | o. Tar paper                     |
| h. Rubber           | p. Biomedical waste              |

**“Smoke”** means the gasses, particulate matter and all products of combustion emitted into the atmosphere when a substance or material is burned including, without limitation, smoke, dust, gas, sparks, ash, soot, cinders, fumes, or other effluvia.

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### 3. OPEN FIRE BURNING PROHIBITIONS

- a. No person may start an open fire within the boundaries of Burns Lake except in accordance with the *Wildfire Act* and the *Wildfire Regulation* of British Columbia.
- b. No material other than brush material including tree limbs and branches, leaves, bush trimmings or raked grass shall be burned;
- c. No industrial or domestic waste of any kind, construction material or pressure treated wood shall be burned;
- d. No open fires are allowed on days when the ventilation index is defined as 'poor' by Environment Canada;
- e. No open fires are allowed to be lit between the hours of 10:00 p.m. and 7:00 a.m. daily;
- f. No open fires are permitted during high winds;

### 4. CLEARANCES

- a. No open fires are allowed:
  - i. within 3 meters of any hedges or fence or combustible structure except when using an approved Incinerator;
  - ii. to exceed 2 meters in height and 3 meters in diameter;
  - iii. within 500 meters of a hospital, school in session or care facility;
  - iv. within 5 meters of any public roadway;
  - v. within 10 meters of any power poles or power lines.

### 5. MEANS OF CONTROL

- a. Every person who lights an open fire must:
  - i. ensure that open air burning is conducted in accordance with *the Wildfire Act* and the *Wildfire Regulation* of British;
  - ii. ensure an individual over the age of nineteen is in charge of the open burn and is on site and prepared with the appropriate equipment required to control and extinguish the fire;

### 6. PUBLIC SAFETY

- a. No person shall burn any material in any manner which:
  - i. produces heavy or toxic smoke and/or fly ash which endangers the health, safety or welfare of persons or animals; or,
  - ii. causes smoke to obscure visibility and thereby creates a hazard to traffic on a public roadway;

**7. RESTRICTIONS OR CANCELLATION OF OPEN BURNING**

- a. The Fire Chief or any Member of the Fire department may require any person to extinguish open air burning which is in breach of any provision, condition or restriction of this Bylaw or the *Wildfire Act* and the *Wildfire Regulation* of British Columbia.
- b. Where, in the opinion of the Fire Chief, hazardous open air burning conditions develop or exist, the Fire Chief may, at any time, make an Order cancelling or suspending all or any open burning, or attaching to all or any such open burning any conditions or restrictions as the Fire Chief may deem necessary.
- c. All open burning within the Village boundaries shall be prohibited when;
  - i. The B C Wildfire Service enacts a Category 2 or Category 3 open burning prohibition or,
  - ii. When so ordered by the Fire Chief, or Deputy Chief

**8. EXEMPTIONS**

- a. This Bylaw does not apply to the normal use of charcoal, gas fired or electric grills and barbecues for the purpose of cooking food or approved gas fueled outdoor fireplaces or heaters.
- b. This Bylaw does not apply to a campfire in a designated campground within the Village of Burns Lake, but these campfires are subject to restrictions and/or prohibition at the discretion of the Fire Chief due to hazardous fire conditions or poor smoke dispersion.
- c. This Bylaw does not apply to open air burning set for the purpose of Fire Department “Live Fire” training exercises.

**9. CAMPFIRES**

- a. All campfires within the Village boundaries must comply with the British Columbia Campfire Regulations.
- b. Campfires are prohibited within the Village boundaries when;
  - i. The B C Wildfire Service enacts a campfire ban for the Nadina Forest District or,
  - ii. When so ordered by the Fire Chief, or Deputy Chief.

**10. ENFORCEMENT AND COST RECOVERY**

- a. Issuance of an Order
  - i. Where 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 and which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he may make such order to ensure full and proper compliance with this Bylaw or to eliminate the fire hazard and in particular, but without limiting the generality of the foregoing, he may:
    - a. Make to the owner, occupier or lessee to the building or property such directions as he deems necessary to correct the contravention or to ensure compliance with this Bylaw or to remove the hazards, or
    - b. Make such an order as he deems necessary with respect to any of the matters referred to in this Bylaw.
  - ii. An order made under this Bylaw shall be in writing and shall be directed to the owner, occupier or lessee of the building or property in respect of which the order is made or to both.
  - iii. Where the owner or occupier fails to comply with any order under this section, the Fire Chief may, at the expense of the owner or occupant, cause the condition to be remedied as required.
  - iv. Any expenses incurred by the Village under Section 11 above are recoverable by Section 258 of the *Community Charter*.

**12. SEVERABILITY OF PROVISIONS**

- a. If any section, subsection or clause of this Bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion will be severed and the remainder of this Bylaw will be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

**Open Air Burning Regulations Bylaw No. 1001, 2019**

READ A FIRST TIME this 28 day of May, 2019.

READ A SECOND TIME this 28 day of May, 2019.

READ A THIRD TIME this 28 day of May, 2019.

ADOPTED This 11 day of June, 2019.

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MAYOR

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CORPORATE OFFICER

*Certified to be a true copy of the "Open Air Burning Regulation Bylaw No. 1001, 2019"*