

THE CORPORATION OF THE VILLAGE OF BURNS LAKE OPEN AIR BURNING BYLAW NO.  
915, 2010

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 Regulation Bylaw No. 915, 2010.”

**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;

“**Burning Permit**” means a document issued pursuant to this Bylaw authorizing a person to carry on an open air burn under the specific conditions as outlined in this Bylaw:

“**Campfire**” means a fire not exceeding 75 cm in diameter and 75 cm in height, contained within a fire pit and intended for and used for the preparation of food and to provide warmth;

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

“**Department**” means the Burns Lake Fire and 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 1 meter and length of 1 meter; or having a maximum diameter (if round) of 1 meter; and being a maximum of 30 cm in height;

“**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;

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“**Nuisance**” means the emission into the atmosphere of smoke by any means, which disturbs the comfort or convenience of persons in the vicinity;

“**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 Air Burning**” means any fire that is conducted outside a building, including a fire conducted in a garden, yard, alley, field, park, industrial site, construction site, building lot, parking lot, street, or other place;

“**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.

### 3. BURNING PERMIT

- a. Unless prohibited pursuant to Section 11 of this Bylaw, no person may start an open air burning on a parcel of land unless the person holds a valid burning permit issued pursuant to this Bylaw.
- b. Any person wishing to start open air burning shall first obtain a permit from the Fire Chief.
- c. The burning permit holder shall have the burning permit available on site for review by the Fire Chief or Officer.
- d. All permitted materials to be burned must originate from the parcel of land on which it is to be burned.
- e. The burning permit holder is responsible for controlling the fire, completely extinguishing the fire and is responsible for any damages caused by the fire.
- f. A burning permit for any form of open air burning is required for the months of May through to, and including the month of September of each calendar year.

### 4. OPEN AIR BURNING PROHIBITIONS

- a. No person may start an open air burn on any parcel of land designated as “residential”, “institutional”, “Commercial” or “Industrial” as set out in the Village of Burns Lake Zoning Bylaw, without first receiving authorization from the Fire Chief or his designate;
- b. No material other than brush material including tree limbs and branches, leaves, bush trimmings or raked grass shall be burned;

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- c. No industrial or domestic waste of any kind, construction material or pressure treated wood shall be burned;
- d. No open burning is allowed on days when the ventilation index is defined as 'poor' by Environment Canada;
- e. No open burning is allowed between the hours of 10:00 p.m. and 7:00 a.m. daily;
- f. No open burning is permitted during high winds;
- g. It does not create a nuisance.

### 5. CLEARANCES

- a. No open air burning is allowed:
  - i. within 3 meters of any hedges or fence or within 6 meters of any combustible structure when using an approved Incinerator;
  - ii. within 12 meters of any building, structure, fence or hedge when not using an approved incinerator;
  - iii. within 10 meters of any stream;
  - iv. to exceed 1.5 meters in height and 2 meters in diameter;
  - v. within 500 meters of a hospital, school in session or care facility;
  - vi. within 5 meters of any public roadway;
  - vii. within 10 meters of any power poles or power lines.

### 6. MEANS OF CONTROL

- a. Every person to whom a burning permit has been issued must:
  - i. ensure that open air burning is in accordance with any terms and conditions contained in the burning permit or in the guidelines or instructions presented by the Fire Chief;
  - 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;
  - iii. ensure that the burn does not get beyond control, cause damage to any property or person.

### 7. 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;
  - iii. or creates a nuisance.

### 8. RESTRICTIONS OR CANCELLATION OF PERMITS

- 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 any burning permit issued pursuant to this Bylaw.
- 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 permits issued pursuant to this Bylaw, or attaching to all or any such permits any conditions or restrictions as the Fire Chief may deem necessary.
- c. An Order made pursuant to Section 8 of this Bylaw shall be for such time as specified in the Order and shall become effective when it has been advertised once in a newspaper

circulating in the Village or when it has been advertised on two consecutive days by a radio station or television station which broadcasts within the Village.

**9. 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.

**10. FIRE PITS – conditions**

- a. An outdoor fire pit may be operated with a permit between 7:00 a.m. and 10:00 p.m. provided that:
  - i. The owner or occupier of the property obtains a permit as pursuant to Section 3.f. of this Bylaw;
  - ii. it is located at a distance of not less than 6 meters between the fire pit and any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible articles;
  - iii. the fire is fully contained and controlled within the pit and does not exceed more than 30 centimeters in height;
  - iv. it is contained by a distinctive, raised, non-combustible barrier that completely surrounds the fire pit to separate it from the surrounding area;
  - v. there is no combustible ground cover within 1 meter of the fire pit;
  - vi. no material other than bush material including tree limbs, branches and brush trimmings or manufactured logs specifically designed for fireplaces shall be used in any outdoor fire pit;
  - vii. it does not create a nuisance;
  - viii. a portable fire extinguisher or operable garden hose is available from the time of setting of the fire until the fire is totally extinguished; and
  - ix. the owner or occupier is nineteen years of age or older and maintains constant watch and control over the outdoor fire pit from the time of the setting of the fire until the fire is completely extinguished.

**11. 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.

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- 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**

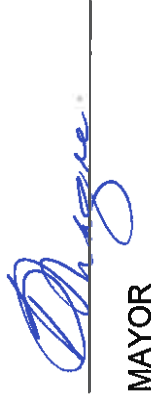
- a. If any section, subsection or clause of this Bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion will be severed and the remainder of this Bylaw will be deemed to have been enacted and adopted without the invalid and severed section, subsection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

READ A FIRST TIME      this 25<sup>th</sup> day of May, 2010.

READ A SECOND TIME    this 7<sup>th</sup> day of June, 2010.

READ A THIRD TIME     this 7<sup>th</sup> day of June, 2010.

ADOPTED                this 17<sup>th</sup> day of August, 2010.

  
MAYOR

  
CORPORATE OFFICER

*Certified to be a true copy of the "Open Air Burning Regulation Bylaw No. 915, 2010"*



THE CORPORATION OF THE VILLAGE OF BURNS LAKE

Open Air Burning Bylaw 915

**CAMPFIRE PERMIT**

Date in effect: \_\_\_\_\_

Expiry Date: \_\_\_\_\_

Issued To: \_\_\_\_\_

Applicants Address: \_\_\_\_\_, Burns Lake, B.C.

Campfire Location: \_\_\_\_\_

Phone No.: (250)-\_\_\_\_\_

*I agree to comply to all requirements of the Village of Burns Lake Bylaw 915 and I will be responsible for and attend to the campfire at all times.*

\_\_\_\_\_  
 Applicant / Owners Signature:

\_\_\_\_\_  
 Fire Chief or Designate:

**PERMIT CONDITIONS: PLEASE READ CAREFULLY**

**Regulations:**

1. The holder of this permit is entitled to have a campfire that meets the interpretation section of this Bylaw that states "a fire not exceeding 75 cm (30 inches) in diameter and 75 cm (30 inches) in height, contained within a fire pit and intended for and used for the preparation of food and to provide warmth."
2. No person shall cause or permit smoke from open burning except in accordance with the following regulations;
  - a) All campfires burning shall be conducted and concluded between 7:00 a.m. (0700 hrs) and 10:00 p.m. (2200 hrs) of the same day;
  - b) All fires shall be continuously controlled and supervised by a competent person properly equipped with sufficient fire extinguishing equipment and materials;
  - c) All fires are subject to local fire restrictions and are subject to cancellation at any time by any authority having jurisdiction;
  - d) Only permitted burning materials, including seasoned untreated lumber, shall be used in campfires and firewood must be dry and seasoned;
  - e) A person responsible for open burning shall ensure that no nuisance is caused and shall be responsible for all costs and expenses resulting from extinguishments of the fire(s).