

District of Taylor
Open Air Burning Bylaw No. 834, 2019
A Bylaw to regulate 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 a local government 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 District of Taylor, in open meeting assembled enacts as follows:

1. **TITLE**

1.1 This bylaw may be known and cited for all purposes as the "Open Air Burning Bylaw 834, 2019."

2. **REPEALS** – none applicable

3. **DEFINITIONS**

3.1 In this Bylaw, unless context otherwise requires:

"APPROVED INCINERATOR" means a non-combustible container placed upon a non-combustible base and filled with a device or screen to contain sparks and flying debris;

"BUILDING" means a 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 burn under the specific conditions outlined in this Bylaw;

"BYLAW ENFORCEMENT OFFICER" means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided.

"CAMPFIRE" means a contained fire within a fire pit and intended for cooking food, with direct or indirect heat;

"COUNCIL" means the Council for the District of Taylor;

“EQUIPMENT” means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency;

“FIRE DEPARTMENT” means the Taylor Fire Rescue Department and the officers of the Department;

“FIRE PIT” means a non-combustible enclosure, used for a campfire.

“FIRE PROTECTION” means all aspects of fire safety including but not limited to fire prevention, firefighting 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 explosion is imminent and includes an assistance response from the Fire Department;

“MUNICIPAL REPRESENTATIVE” means the Chief Administrative Officer, Corporate Officer or their designate;

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

“OCCUPIER” means any person who occupies the property, or who is qualified to maintain an action for trespass in respect of the property, and/or who is in possession of the property under lease, license, agreement for sale or other agreement with the owner of the property;

“OPEN AIR BURNING” means any fire, other than a campfire, conducted outside a building, including a fire conducted in a garden, yard, alley, field, park, industrial site, building lot, street or other place;

“SMOKE” means the gas, 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; and

“PROHIBITED BURNING MATERIAL” 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
- b) Domestic Waste
- c) Treated wood
- d) Asphalt
- e) Plastic

- f) Paint
- g) Railroad ties
- h) Asphalt products
- i) Drywall
- j) Special waste
- k) Manure
- l) Demolition waste
- m) Rubber
- n) Standing grass
- o) Fuel & Lubricant containers
- p) Tar Paper
- q) Bio-medical waste

4. **BURNING PERMIT**

- 4.1 Unless prohibited pursuant to Section 10 of this Bylaw, no person may start open air burning on a parcel of land unless the person holds a valid burn permit issued pursuant to this Bylaw.
- 4.2 Any person wishing to start open air burning shall first obtain a permit from the District Office during regular business hours.
- 4.3 The burning permit holder shall have the burning permit available on site for review by any Fire Department member, Bylaw Officer or Municipal Representative.
- 4.4 The burning permit holder is responsible for controlling the fire, completely extinguishing the fire and is responsible for any damages caused by the fire.
- 4.5 Open fires - Category 2 (requiring a burning permit shall be no larger than 3 meters (9.84 feet) by 3 meters (9.84 feet) in width, by 2 meters (6.56 feet) in height):
 - a) A burning permit shall be obtained from the District Office;
 - b) Burn piles shall only be ignited when weather conditions are favorable to burn (i.e. wind, venting Index- see Sections 5.4 & 5.6;
 - c) Appropriate firefighting equipment shall be stationed on site during the burn;
 - d) The land owner shall retain full responsibility for burning; and
 - e) Burning barrels are banned when a Category 2 fire prohibition is in effect.
- 4.6 Open fires - Category 3 (Open Fires requiring a burning permit and a Provincial Burn Registration Number are fires larger than 3 meters (9.84 feet) by 3 meters (9.84 feet) in width, by 2 meters (6.56 feet) in height) are for the purpose of land clearing projects that may be permitted under the following conditions:
 - a) Permits for Open Fires – Category 3 will only be issued from November 1st to March 1st for land clearing projects, unless approved by the Taylor Fire Rescue - Fire Chief or Deputy Fire Chief in special circumstances;



- b) A burning permit shall be obtained from the District Office and a Provincial Burn Registration Number from the Province of British Columbia;
- c) Appropriate firefighting equipment and personnel shall be stationed on site during the burn;
- d) Burn piles shall only be ignited when weather conditions are favorable to burn (i.e. wind, venting index - see Sections 5.4 & 5.6;
- e) No burning shall be commenced or permit issued before the Fire Department member has approved the site, size and location of burn piles;
- f) No burning permits shall be issued for land clearing projects other than during the time cited in Section 4.6 (a). For land clearing projects commenced during periods other than cited in Section 4.6 (a), land clearing material and wood debris shall be hauled to approved land fill, recycling or transfer sites; and
- g) The land owner shall retain full responsibility for land clearing, hauling debris, piling and burning.

5. OPEN AIR BURNING PROHIBITIONS

- 5.1 No person may start an open fire Class 2 or 3 in the District of Taylor without first receiving authorization from the District of Taylor;
- 5.2 No material other than brush material, including tree limbs and branches, leaves, bush trimmings or raked grass shall be burned;
- 5.3 No industrial or domestic waste of any kind, construction material or pressure treated wood shall be burned;
- 5.4 No open burning is allowed on days when the ventilation index is defined as "Poor" or "Fair" by Environment Canada. Before debris can be ignited, the Ventilation Index must be predicted to be both "GOOD" the day of the burn as well as "FAIR" or "GOOD" the following day;
- 5.5 No open burning of Category 2 or Category 3 is allowed between the hours of 9:00 pm and 7:00 am daily;
- 5.6 No open burning is permitted during winds greater than 20 kilometers (12.42 miles) per hour;
- 5.7 Fire or smoke from an Open Air Burn shall not create a nuisance for those in the surrounding area; and
- 5.8 No person shall be granted an Open Air Burning Permit, or burn when there is a "No Burn" advisory from the Government of British Columbia.



6. CLEARANCES

- 6.1 No open burning of Category 2 or Category 3 is allowed:
- a) Within 2 meters (6.56 feet) of any hedges or fence or 5 meters (16.40 feet) of any combustible structure when using an approved incinerator;
 - b) Within 8 meters (26.24 feet) of any building or structure, fence or hedge when not using an approved incinerator;
 - c) Within 10 meters (32.80 feet) of any stream;
 - d) Within 5 meters (16.40 feet) of any public roadway;
 - e) Within 5 meters (16.40 feet) of any power poles or power lines;
 - f) Within 6 meters (19.68 feet) of any propane or fuel tanks; and
 - g) Within 300 meters (984.25 feet) of any school between 8:00 am to 5:00 pm on regular school days.

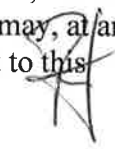
7. MEANS OF CONTROL

- 7.1 Every person to whom a burning permit has been issued must:
- a) 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 Department member, Bylaw Enforcement Officer, Municipal Representative or the Province of British Columbia;
 - b) Ensure an individual over the age of eighteen is in charge of the open burn and is on site and prepared with the appropriate equipment required to control and extinguish the fire; and
 - c) Ensure that the burn does not get out of control and/or cause damage to any property or person.

8. PUBLIC SAFETY

- 8.1 No person shall burn material in any manner which:
- a) Produces heavy or toxic smoke and/or flying ash which endangers the health, safety or welfare of persons or animals; or,
 - b) Causes smoke to obscure visibility and thereby creates a hazard to the public at large, or traffic on a public roadway; or,
 - c) Creates a nuisance to those in the area.

9. RESTRICTION OR CANCELLATION OF PERMITS

- 9.1 The Fire Department member, Bylaw Enforcement Officer or Municipal Representative 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;
- 9.2 Where, in the opinion of the Fire Department member, Bylaw Enforcement Officer or Municipal Representative, hazardous open air burning conditions develop or exist, the Fire Department member, Bylaw Enforcement Officer or Municipal Representative may, at any time, make an order cancelling or suspending all or any permits issued pursuant to this
- 

Bylaw, or attaching to all permits, any conditions or restrictions as the Fire Department members, Bylaw Enforcement Officer or Municipal Representative may deem necessary; and

- 9.3 All burning permits issued will be considered null and void if the Government of British Columbia bans Open Fires, and/or Campfires in the District of Taylor's jurisdiction. This "No Burn" policy will continue to be enforced until such time the appropriate provincial government agency rescinds the restriction.

10. EXEMPTIONS

- 10.1 Within 10 meters (32.80 feet) of any stream;
- 10.2 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;
- 10.3 This Bylaw does not apply to Open Air Burning set for the purpose of Fire Department "Live Fire" training exercises; and
- 10.4 Special burn permits may be issued during Provincial wide fire bans, with written consent of Council and the Fire Department, but only after a detailed report has been issued to Council outlining why the fire is needed and the precautionary steps that will be taken to avoid a fire spread.

11. CAMPFIRE/COOKING FIRE

- 11.1 An outdoor campfire – Open Fire Class 1 may be operated without a permit provided that:
- a) There is a distance of not less than 1.82 meters (6 feet) between the fire pit and any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible articles;
 - b) It is contained by a distinctive, raised, non-combustible barrier that has a minimum height of 15cm (5.9 inches), and completely surrounds the fire pit to prevent the fire from spreading to the surrounding area;
 - c) No Prohibited Burning Material are to be burned;
 - d) It does not create a nuisance;
 - e) A portable fire extinguisher or operable garden hose is available from the time of setting of the fire until the fire is totally extinguished;
 - f) The owner or occupier is eighteen 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; and
 - g) Fire pits will be disallowed if the Government of British Columbia issues Open Fire or Campfire restrictions and will not be allowed until such time the appropriate agency rescinds the restriction.

12. ENFORCEMENT AND COST RECOVERY

- 12.1 Where the Fire Department member, Bylaw Officer or Municipal Representative 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 their opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, they may make an order to ensure full and proper compliance with this Bylaw or to eliminate the fire hazard. Without limiting the generality of the foregoing, they may:
- a) Give the owner, occupier or lessee to the building or property such directions as they deem necessary to correct the contravention or to ensure compliance with this Bylaw or to remove the hazards, or
 - b) Make such an order as they deem necessary with respect to any of the matters referred to in this Bylaw.
- 12.2 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;
- 12.3 Where the owner or occupier fails to comply with any order under this section, the Fire Department member, Bylaw Enforcement Officer or Municipal Representative may, at the expense of the owner or occupant, cause the condition to be remedied as required;
- 12.4 Any expenses incurred by the District under pursuant to this bylaw are recoverable pursuant to Section 258 of the *Community Charter*;
- 12.5 Cost recovery will depend on the amount of the personnel and equipment required to deal with emergency response for an Open Fire/Campfire that has spread from its intended area. A number of factors will be considered in cost recovery including but not limited to: Number of violations/notices, blatant disregard for life safety, blatant disregard for health safety, size and severity of affected area, and amount of material cost included in successful suppression; and
- 12.6 The cost recovery bill will be approved by the District of Taylor Chief Administrative and Taylor Fire-Rescue Department Chief.

13. OFFENSE AND PENALTY

- 13.1 No person shall commit any act or permit any act or thing to be done in contravention of this Bylaw.
- 13.2 Every person who violates any provision of this Bylaw, or who permits any act or thing to be done in contravention of this Bylaw, or who fails to do any act or thing required by this by-law, shall be deemed to have committed an offence against this Bylaw and:
- a) Shall be liable to any conditions set out in the District of Taylor Bylaw Notice Enforcement; or
 - b) Shall be liable, upon summary conviction, to the penalties provided under the Offence



- Act; or
- c) Any combination of the above.

- 13.3 Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.
- 13.4 Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

14. SEVERABILITY

- 14.1 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 shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

READ A FIRST TIME THIS _____ 3rd _____ DAY OF _____ September _____, 2019

READ A SECOND TIME THIS _____ 3rd _____ DAY OF _____ September _____, 2019

READ A THIRD TIME THIS _____ 3rd _____ DAY OF _____ September _____, 2019

ADOPTED THIS _____ 16th _____ DAY OF _____ September _____, 2019



MAYOR



CORPORATE OFFICER

I hereby certify that this is a true copy of Bylaw No. 834, 2019 of the District of Taylor, cited as "Open Air Burning Bylaw No. 834, 2019."



CORPORATE OFFICER

