

Regional District Okanagan-Similkameen
Open Air Burning Regulations
Bylaw No. 2364, 2005

Consolidated

Amendment
No. 2364.01 adopted August 16th, 2007

This Bylaw has been consolidated for convenience only
and includes amendments to the text up to August 16th, 2007.

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW No. 2364, 2005

A bylaw to establish Open Air Burning Regulations within the Regional District Okanagan-Similkameen

WHEREAS it is deemed desirable and expedient to provide for regulations of Open Air Burning within the Regional District Okanagan-Similkameen and,

WHEREAS it is deemed desirable and expedient to provide regulations for the prevention and spread of fire and for the preservation of life within the boundaries of the fire protection areas; Kaleden, Naramata, Okanagan Falls, Tulameen, and Willowbrook, of the Regional District Okanagan-Similkameen,

NOW THEREFORE, the Board of the Regional District Okanagan-Similkameen in open meeting assembled enacts as follows:

PART I – CITATION

1. This Bylaw may be cited for all purposes as the “Regional District Okanagan-Similkameen Open Air Burning Regulations Bylaw No. 2364, 2005”

PART II – ADMINISTRATION

1. The British Columbia Fire Code Regulations, as amended from time to time, are hereby adopted and made applicable within the Regional District Okanagan Similkameen.

PART III – DEFINITIONS

1. Approval means acceptance as satisfactory to the Fire Chief.
2. BC Fire Code Regulations means the regulations made pursuant to the Fire Services Act and amendments thereto and includes British Columbia Regulation 15/87.
3. Campfire means a fire not exceeding 75 cm in diameter and 75 cm in height, intended for and used solely for the preparation of food and to provide warmth.
4. Compostable materials means waste products from plants, trees or other vegetation that is naturally biodegradable including grass clippings, leaves, tree needles, garden waste and weeds.
5. Equipment means any tools, contrivances, devices, or materials used by the Fire Department to combat an incident or other emergency.
6. Fire Department means a Fire Department of the Regional District.

7. Fire Chief means the member appointed by the Board, as head of the Fire Department, and shall be deemed to be a Regional District Public Officer as defined in the *Local Government Act*.
8. Fire Pit means a non-combustible enclosure, being a minimum of 30 cm in height; having a minimum of three sides, if rectangular; and having a maximum outside width of 1 meter and length of 1 meter; or having a maximum diameter (if round) of 1 meter; and being a minimum of 30 cm in height.
9. Fire Services Act means Chapter 133, R.S.B.C., 1979, and amendments thereto and regulations made thereunder.
10. Garbage means all household and commercial waste or refuse, whether it contains the remains of edible food or not.
11. Incident means a fire or situation where a fire or explosion is imminent.
12. Inspector means any Fire Services personnel authorized in writing by the Fire Chief to act in such capacity.
13. Member means any person or officer that is duly appointed by the Regional Board as a member of the Fire Department and shall be deemed to be a Regional District Public Officer as defined in the *Local Government Act*.
14. Local Government Act means Chapter 323 R.S.B.C., 1996, and amendments thereto.
15. Regional District shall mean the Regional District Okanagan-Similkameen, or the area included therein as the context may require.
16. Nuisance means the emission into the atmosphere of smoke by any means, which disturbs the comfort or convenience of persons in the vicinity.
17. Occupier includes tenant, lessee, agent and any other person who has the right of access to and control of a building or premises to which this bylaw applies.
18. Officer in Command means the senior Fire Department member present.
19. Open air burning means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere.
20. Order includes an approval, a decision, a determination, a permit, and the exercise of discretion made under the Fire Services Act, the BC Fire Code Regulations, or this Bylaw.
21. Permit means a document issued pursuant to this Bylaw authorizing a person to carry on a procedure or undertaking, under certain and specific conditions.
22. Permitted burning materials means parts of trees or other vegetation that does not constitute compostable materials and will include prunings, branches, trunks and tree

stumps.

23. Prohibited burning materials means waste material including demolition, renovation or construction waste material and those materials 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. treated lumber
 - c. plastics
 - d. railway ties
 - e. drywall
 - f. manure
 - g. demolition waste
 - h. rubber
 - i. domestic waste
 - j. asphalt
 - k. paint
 - l. asphalt products
 - m. special waste
 - n. fuel and lubricant containers
 - o. tar paper
 - p. biomedical waste
24. Smoke means the gasses, particulate matter and all other 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.

PART IV – PERMITS

1. Permit Fees

The fees hereinafter specified shall be paid to the Regional District by all applicants for any permit required by this bylaw, or under the Code adopted by this bylaw, or by the regulations passed pursuant to the provisions of the Fire Services Act, as amended from time to time, and for inspection of any work or thing for which the said permit is required.

Open Air Burning Permit (valid for one year) \$30.00
All permits may be subject to a site inspection.

2. Issuing and Posting of Permits

- 2.1 The Fire Chief may issue a permit where:
- a. An application is made in the form prescribed
 - b. The proposed use or occupancy conforms with applicable bylaws, codes and regulations; and
 - c. The permit fee has been paid
- 2.2 The Fire Chief may revoke a permit where there is a violation of:
- a. Any condition under which the permit was issued; or
 - b. Any requirement of this bylaw, codes or regulations
- 2.3 This bylaw shall not be construed to hold the Regional District responsible for any damage to persons or property by reason of:
- a. Inspections authorized by this bylaw
 - b. The failure to carry out an inspection
 - c. A permit issued as herein provided; or
 - d. The approval or disapproval of any equipment authorized by this bylaw

- 2.4 Permits and licenses shall be posted upon the building or premises described therein and made available for inspection by the Fire Chief.

3. Burn Permit Requirement

- 3.1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air, without first obtaining a written "Burn Permit" to do so from the Fire Chief or his appointee, except as follows:
 - a. The operation of a permanent outdoor barbeque or portable outdoor barbecue, intended for and used solely for the preparation of food.
 - b. The operation of Regional District installed fire pits located on Regional District beaches and parks, or privately installed fire pits located in campgrounds and tourist parks as approved by the Regional District.
 - c. Necessary burning by the Regional District, including fire department authorities for the purposes of education, training and for fire safety purposes.
 - d. Campfires intended for and used solely for the preparation of food and to provide warmth.
- 3.2 Every person to whom a "Burn Permit" has been issued will place and keep a competent person at all times in charge while the fire is burning or smoldering and until the fire is completely extinguished and will provide such person with sufficient and adequate fire fighting appliances and equipment as is required in order to prevent the fire from getting beyond control or causing damage or becoming a danger to life and property.
- 3.3 The Fire Chief or his appointee may refuse to issue or may cancel a "Fire Permit" whenever, in his opinion; such burning is deemed hazardous or creates a nuisance.
- 3.4 The Fire Chief or his appointee may issue a "Burn Permit" to a property owner to ensure compliance with a Provincial Act or Legislation.
- 3.5 Every person who after registering their property with the fire department and meets the Open Air Burning Regulations and follows the procedure as outlined in the written "Burn Permit" may obtain a verbal "Burn Permit" via telephone from the Fire Chief or his appointee. Each verbal permit obtained by the Fire Chief counts towards the total allowable burns per year as outlined in Part V, 1., 1.1 (j).
- 3.6 The Fire Chief or his/her appointee may issue a special permit to owner or occupier of land authorizing outdoor burning for the removal of woody material, grass, or stubble.

PART V – OPEN AIR BURNING

1. Open Air Burning Regulations And Prohibitions

- 1.1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air except in accordance with the following regulations
- a. Only permitted burning materials will be burned;
 - b. All permitted burning materials to be burned will originate from the land on which it is to be burned;
 - c. All burning will be conducted and concluded between 7:00 a.m. and sunset of the same day except for burning permitted under section 1.1.D;
 - d. All burning of stumps and other materials exceeding 20 cm (8”) in diameter may be maintained for a maximum of 72 hours if the fire is substantially smokeless, provided that no further combustible materials will be added to the fire after sunset of each day of the fire;
 - e. All fires will be continuously controlled and supervised by a competent person properly equipped with sufficient fire extinguishing equipment and material;
 - f. All fires will be maintained so as to not constitute a nuisance;
 - g. The Fire Chief, or designate, may, by permit allow open air burning provided a minimum separation of:
 - i) 30 metres will be maintained between the location of the fire and any buildings and between any public roadway;
 - ii) 100 metres will be maintained between the location of the fire and any buildings on neighboring properties which may be a dwelling, business or public facility;
 - iii) 500 metres will be maintained between the location of the fire and schools in session, hospitals and facilities used for continuing care as defined under the Continuing Care Act.
 - iv) 10 metres will be maintained between the location of the fire and any power poles and power lines.
 - h. Favorable weather for smoke dispersion - Open burning must not be initiated unless the ventilation index is forecast as:
 - i) “good” for the day on the open burning is to be started, and
 - ii) “good” or “fair” on the second and third day the fire is anticipated to release smoke.
 - iii) Open burning of debris must not be initiated if the local air flow will cause the smoke to negatively impact on a nearby population or cause pollution.
 - i. Duration of smoke release from open burning – The smoke release period for each parcel of land must not be greater than 72 consecutive hours for burns described in Part V, 1., 1.1 (d).
 - j. Burn periods per year – Smoke may be released during open burning on a parcel of land on no more than 4 separate occasions during a calendar year.
 - k. No open burning between April 15th and October 15th unless deemed safe conditions by the Fire Chief. On the authority of the Fire Chief open burning dates may be extended if the risk of wildfire is reduced due to

wet weather conditions.

2. Campfire Regulations And Prohibitions

- 2.1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a campfire except in accordance with the following regulations:
- a. Campfire size shall not exceed 75 cm in diameter and 75 cm in height.
 - b. Campfires must be located a minimum of 5 metres from adjoining property lines and buildings.
 - c. Campfires must be constructed 3 metres away from any combustibles.
 - d. Campfires will not be permitted between 12 p.m. and 6 a.m.
 - e. Only permitted burning materials, including seasoned untreated lumber, dry and seasoned firewood will be used in campfires.
 - f. Campfires will be continuously controlled and supervised by a competent person equipped with extinguishing equipment and material, and must be completely extinguished before the person leaves the area.
 - g. Campfires will be maintained so as not to cause a nuisance.
 - h. Campfires will be contained within a fire pit.
 - i. Campfires must be intended for and used solely for the preparation of food and to provide warmth.
 - j. Campfires for cooking, warmth, or ceremonial purposes may be permitted in exceptional circumstances with the approval of a designated fire authority. A fire in a stove that uses gas, propane or briquettes is not considered a campfire.
 - k. Campfires will not be permitted on property owned, or rented without written permission of the owner.

3. Restrictions

- 3.1 No person will burn prohibited burning materials, compostable materials or garbage in the open air, campfire, fireplace or woodstove.
- 3.2 All fires are subject to local fire hazard restrictions and Ministry of Forests fire hazard restrictions and are subject to cancellation at any time by an authority having jurisdiction.
- 3.3 No person shall cause or permit smoke from use of an incinerator, burning barrel, outdoor barbecue, or other appliance for burning prohibited materials, compostable materials or garbage, nor will any enclosed fire be built, set or maintained outside the walls of a building at any time.
- 3.4 No person will light, ignite or start or allow, or cause to be lighted, ignited or started a fire, when a reasonable person would know that the wind is strong enough to cause sparks or other burning material to be carried to combustible material.
- 3.5 A person who lights, ignites, or starts, or allows a fire to be lighted, ignited, or started, will report and/or attempt to control any fire that escapes or threatens to escape from the intended burning area.

PART VI - ENFORCEMENT

1. Issuance Of Order

1.1 If an Inspector 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 to which the bylaw applies and which, in his opinion, constitute a fire hazard or otherwise constitutes a hazard to life or property, he may make such order to ensure full and proper compliance with this bylaw and in particular, but without limiting the generality of the foregoing, he may:

- a. require the owner or occupier of such building or property to take such action as might in the opinion of the Inspector be necessary to remedy the contravention of this bylaw or to ensure compliance with this bylaw or to remove the hazard, or
- b. make such orders as are, in his opinion, necessary with respect to any matter referred to in this bylaw.

1.2 An order made under this bylaw shall be in writing and shall be directed to either the owner or occupier of the building or property in respect of which the order is made or to both.

2. Service Of Order

2.1 An order made under this bylaw shall be served by:

- a. delivering it or causing it to be delivered to the person to whom it is directed, or
- b. mailing the Order by return registered mail to the address of the owner as shown on the records of the Land Title Office at Kamloops, British Columbia.

3. Penalty

3.1 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or an act or thing or omits any act or thing, thus violating any of the provisions of this bylaw, shall be liable, on conviction, to a penalty of not less than Fifty Dollars (\$50.00) or more than Two Thousand Dollars (\$2000.00) for each offence, and in the case of a continuing offence, to a further penalty for each day during which the offence continues as provided by the *Offence Act*.

3.2 In addition to the penalties which may be imposed under Part VI, Section 3.1 of this bylaw, any person who breaches Part V, of this bylaw and thereby causes the Regional District any direct or indirect expenses to remedy the breach shall reimburse the Regional District for such expenses. The Fire Chief shall certify

the expenses actually and necessarily incurred and the Regional District may recover the costs of undertaking the remedy either as a debt against the person in default or in the same manner and with the same remedies as property taxes.

PART VII – EFFECTIVE DATE

This Bylaw takes affect on April 15, 2006.