

**VILLAGE OF CHASE
BYLAW NO. 730 - 2010**

OUTDOOR BURNING REGULATION BYLAW

A Bylaw to Regulate Outdoor Burning

WHEREAS, the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community as related to the emission of smoke, sparks, dust, ash, soot, cinders, fumes or other emissions that are liable to foul or contaminate the atmosphere;

AND WHEREAS, the Council of the Village of Chase encourages its citizens to explore all possible options to reduce, reuse, recycle and haul burnable, vegetative waste to an approved disposal site as an alternative to burning which creates airborne particulates known to be harmful to humans, animals and the environment;

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

NOW THEREFORE the Council of the Village of Chase, in the Province of British Columbia, hereby **ENACTS AS FOLLOWS:**

1. Title

This Bylaw may be cited as “*OUTDOOR BURNING REGULATION BYLAW NO. 730 - 2010*”.

2. Repeal

Village of Chase Fire Regulations Bylaw No. 550-1996 and all amendments thereto are hereby repealed in their entirety.

3. Definitions

In this Bylaw:

AGRICULTURAL BURNING means the burning of dry agricultural waste which is permitted only on a parcel of land zoned AR-1 Agriculture or AR-2 Rural in the Village of Chase Zoning Bylaw.

AGRICULTURAL WASTE means crops, weeds, foliage or dry stubble grown on a parcel of land zoned AR-1 Agriculture or AR-2 Rural in the Village of Chase Zoning Bylaw.

APPROVED INCINERATOR means a non-combustible container placed on a non-combustible base and covered with a screen to contain sparks and flying debris.

BURNING PERMIT means a permit issued pursuant to this bylaw.

BURNING SEASON applies to all agricultural, land clearing and yard trimming burning and means the period of October 1st through April 30th only – no burning for these purposes is permitted from May 1st through September 30th.

CAMPFIRE means a fire that burns clean, dry wood only and which does not exceed one metre in diameter and one metre in height, contained within a fire pit or approved incinerator.

CARE FACILITY means a hospital, health centre or continuing care facility used by persons who require medical or special care or treatment.

CONSTRUCTION WASTE means any material resulting from or produced by construction, renovation or repair of a building or structure;

DEMOLITION WASTE means the material resulting from the destruction or tearing down of any building, whether partial or complete.

DRY means having a moisture content of less than 20%.

EXCESSIVE SMOKE means any visible smoke persistently crossing the property line of the subject fire, not including initial start up or extinguishing of the fire.

FIRE DEPARTMENT means the Village of Chase Fire Department.

FIRE CHIEF means the person appointed by Council as head of the Fire Department.

FIRE PIT means a fire area for a campfire no greater than one metre in diameter that is contained by a fire break of rock, brick, steel or any other fire-proof material placed such so as to reduce the escape of flame and sparks into the surrounding area.

GARBAGE means all domestic, commercial and industrial waste and discarded material including recyclable material but does not include yard trimmings.

LAND CLEARING BURNING means the burning of dry land clearing waste.

LAND CLEARING WASTE means dry natural wood or any other dry vegetative waste generated by the clearing of land.

ORDER means any order, decision, requirement or direction given by the Fire Chief or their designate.

PARCEL OF LAND means all legal land parcels within the boundaries of the Village of Chase.

STREAM means Little Shuswap Lake, the South Thompson River or Chase Creek.

VENTING INDEX means Kamloops air venting information as forecasted daily by

Environment Canada.

YARD TRIMMINGS means residential or backyard vegetative material which includes dry leaves, dry grass, dry tree prunings, dry weeds or other similar dry, organic residential yard waste.

YARD TRIMMING BURNING means any fire set outdoors for the purposes of burning dry yard trimmings.

4. Burning Permit

(1) No person may start or kindle a fire for the purposes of:

- (a) Agricultural Burning;
- (b) Having a campfire
- (c) Land Clearing Burning; or
- (d) Yard Trimming Burning,

unless the person holds a valid Burning Permit issued pursuant to this Bylaw in the form prescribed in Schedule “B” to this bylaw. One annual campfire permit for the Mill Park campground purchased by the campground manager is acceptable for campers to have a campfire otherwise in accordance with this bylaw and one annual campfire permit purchased by the Village of Chase for Memorial Park is acceptable for the public to have a campfire otherwise in these parks in accordance with this bylaw.

- (2) Any person wishing to start or kindle a fire must first make application to the Village of Chase for a Burning Permit, pay the prescribed fee as set out in Schedule “A” and be issued a permit.
- (3) During any and all fires and burning except for campfires in Memorial Park and the Mill Park campground, the Burning Permit holder must have the Burning Permit available on site for review by a Fire Department Officer, Peace Officer or Bylaw Enforcement Officer.
- (4) Except for campfires, all materials permitted to be burned when a Burning Permit has been issued must originate from the parcel of land on which it is to be burned.
- (5) The Burning Permit holder is responsible for the control and extinguishment of their fire and must ensure that a competent person 18 years of age or older is in charge of the fire while it is burning or smouldering and must supply such person with sufficient tools and equipment to effectively prevent the fire from getting out of control, from causing damage or becoming dangerous. Such competent person must remain in charge of the fire at all times until it is completely extinguished and is responsible for any damages caused by the fire.

5. Outdoor Burning Prohibitions

- (1) No person shall at any time or under any circumstances burn any of the following prohibited materials; oil, rubber, plastics, fertilizers, tires, material containing creosote, wiring insulation, petroleum products, biomedical waste, herbicides, pesticides, drywall, asphalt, paint, railway ties, asphalt products, chemicals, insulation, treated, painted or stained lumber, glued wood products, fuel and lubricant containers, garbage, recyclables, demolition waste, construction waste, manure or other non-wood material containing material of these mentioned products.
- (2) No person shall set out, start, or kindle any fire except during the burning season as defined in Schedule "A" to this bylaw and as specified by the Burning Permit.
- (3) No person shall set out, start, or kindle a fire for the purposes of agricultural burning or yard trimming burning, except a permitted campfire, when the venting index for Kamloops (the nearest available location for which data is available) the day of the burn is at any time forecast to be, or actually is "poor", as determined by Environment Canada.
- (4) No person shall set out, start, or kindle a fire for the purposes of land clearing burning except when the venting index for Kamloops (the nearest available location for which data is available) the day of the burn is "good" for the day the open burning is to be started, and "good" or "fair" on the second day the debris is anticipated to release smoke, as determined by Environment Canada.

(see <http://www.env.gov.bc.ca/epd/epdpa/venting/venting.html>)
- (5) No person shall set out, start or kindle any fire between the hours of 10:00 p.m. and 7:00 a.m. daily, except for a permitted campfire.
- (6) No person shall set out, start or kindle any fire or allow or permit any fire to continue to burn during high winds.

6. Clearances

(1) Land Clearing and Agricultural Burning

No person who holds a Burning Permit shall set out, start or kindle a fire for the purposes of agricultural burning or land clearing burning if such a fire:

- (a) Is within 10 meters of any stream.
- (b) Exceeds 2 metres in height and 3 meters in diameter;
- (c) Is within 500 metres of a hospital, care facility or school in session.
- (d) Is within 100 metres of the nearest residence;
- (e) Is within 30 metres of any public roadway;
- (f) Is within 10 metres of any power poles and power lines;
- (g) Creates excessive smoke; or

- (h) Contravenes any part of the provincial Open Burning Smoke Control Regulation (applies to land clearing burning only)

(2) Yard Trimming Burning

No person who holds a Burning Permit shall set out, start or kindle a fire for the purposes of yard trimming burning if such a fire:

- (a) Exceeds 1 metre in height and 2 meters in diameter;
- (b) Is within 5 metres of any power poles, power lines or other structure; or
- (c) Creates excessive smoke.

(3) Campfire

No person who holds a Burning Permit shall set out, start or kindle a fire for the purposes of having a campfire if such a fire:

- (a) Exceeds 1 metre in height and 1 meter in diameter;
- (b) Creates excessive smoke.

7. Public Health and Safety

(1) No person shall burn any material in any manner which:

- (a) Produces heavy or toxic smoke and/or fly ash which in the opinion of the Fire Chief or their designate, endangers the health, safety or welfare of persons, animals, or property;
- (b) Causes smoke to obscure visibility and thereby creates a hazard to traffic on a public roadway; or
- (c) Contravenes any provincial rules and regulations respecting open air burning.

8. Restriction or Cancellation of Permits

(1) The Fire Chief or any member of the Fire Department may require any person to extinguish a fire which has been set out, started or kindled in breach of any provision, condition or restriction of this Bylaw or any Burning Permit issued pursuant to this Bylaw.

(2) Where, in the opinion of the Fire Chief, hazardous burning or hazardous smoke 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.

9. Conditions

(1) 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 fuelled outdoor fireplaces or heaters.
- (2) Campfires in an established campfire receptacle located in Memorial Park or a campfire in the Mill Park campground are subject to restrictions and/or prohibition at the discretion of the Fire Chief due to hazardous fire conditions or poor smoke dispersion.
 - (3) This Bylaw does not apply to open air burning set for the purpose of Fire Department "Live Fire" training exercises.

10. Liabilities for Damages

- (1) This Bylaw shall not be construed to hold the Village responsible for any damage to persons or property by reason of a Burning Permit issued as herein provided or an inspection authorized by this Bylaw. Permit holders who intend to burn land clearing waste are responsible for ensuring they strictly abide by the provincial Open Burning Smoke Control Regulation of the Environmental Management Act.

11. Rescission of Permit

- (1) The Fire Chief or an Officer of the Village of Chase may rescind a Permit in the event that:
 - (a) circumstances arising or ascertained after the Permit was issued demonstrate that the public safety risk or risk to public or private property exists in connection with the Permit;
 - (b) the Fire Chief or Officer of the Village determines that the Permit holder submitted false or inaccurate information in the application;
 - (c) the Permit holder violates or breaches any of the provisions of this Bylaw;
 - (d) a fire ban is imposed; or
 - (e) the venting index, except for campfires, prohibits burning as per section 5 (3) and/or (4) of this Bylaw or the Permit expires.

12. Enforcement

- (1) The Fire Chief, a Peace Officer, Bylaw Enforcement Officer or their designate and any other person duly authorized by the Municipality may enter onto any property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and may take whatever action deemed necessary in accordance with section 13.

13. Offences and Penalties

- (1) Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
 - (a) a fine in accordance with Village of Chase Municipal Ticket Information Bylaw if an information respecting the infraction is laid by means of a ticket; or
 - (c) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

14. Severability

- (1) If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the remaining portions of the Bylaw.

READ A FIRST TIME THE 27th DAY OF APRIL, 2010.

READ A SECOND TIME THE 27th DAY OF APRIL, 2010.

READ A THIRD TIME THE 27th DAY OF APRIL, 2010.

ADOPTED THE 11th DAY OF MAY, 2010.

_____X_____
Mayor

_____X_____
Corporate Officer

Schedule “A” to Outdoor Burning Regulations Bylaw No. 730

Outdoor Burning Permit Fee Schedule and Burning Season

1. Burning Permit for Agricultural, Land Clearing and Yard Trimming Burning: \$25.00

A Burning Permit under this section may be issued for any consecutive ten (10) day period during the October 1st through April 30th burning season. A Burning Permit may be renewed for subsequent periods within the burning season. A Burning Permit expires automatically if not renewed and becomes void at any time a prohibition on open burning is declared by the Fire Chief and remains void until such time as the prohibition is lifted or the Permit expires.

Type of burning	Permit required?	Duration of permit	Cost of permit	Burning season	Where permitted
Campfires	Yes	Calendar year	\$10.00	Year round	All areas
Yard Trimming Burning	Yes	10 days	\$25.00	October 1 st – April 30 th	All areas
Agricultural Burning	yes	10 days	\$25.00	October 1 st – April 30 th	AR-1 Agricultural and AR-2 Rural zones only
Land Clearing Burning	yes	10 days	\$25.00	October 1 st – April 30 th	Any area in accordance with Provincial laws

2. Burning Permit for a Campfire: \$10.00

A Burning Permit under this section may be issued for a maximum of one calendar year and in any case will expire at midnight on December 31st of the year in which it was issued. A Burning Permit under this section becomes immediately void at any time a prohibition on open burning is declared by the Fire Chief and remains void until such time as the prohibition is lifted or the Permit expires.

**VILLAGE OF CHASE
BURNING PERMIT
Schedule "B" to Outdoor Burning Regulations Bylaw No. 730**

Authority is hereby granted to:

Name of Permit Holder _____

Address _____

Telephone Number _____

To have one of the following types of fire:

- Campfire (valid for the calendar year)
- Yard Trimming Burning
- Agricultural Burning
- Land Clearing Burning (may only be conducted in accordance with all provincial regulations which are your responsibility to understand and follow)

At: Street Address _____

On the following dates:

From _____ To _____

In accordance with the following:

- permits are valid for ten (10) consecutive days which includes the date of issuance and expire automatically, except Campfire Permits which are valid for the calendar year;
- this permit and permission to burn may be cancelled or suspended at any time by the Fire Chief or Officer of the Village;
- this permit is void at any time the Fire Chief prohibits open burning;
- the permit holder shall be liable for all damages caused by a fire set under this permit and may be liable for all costs of extinguishing any resulting fires for failure to comply with permit conditions or orders of the Fire Chief or their designate;
- only dry, low-smoke natural wood materials may be burned;
- no burning is permitted during windy conditions;
- no fire shall be allowed to create excessive amounts of smoke so as to disturb or interfere with residents of the vicinity;
- all burning must be attended by a person 18 years of age or older with the necessary firefighting equipment available;
- no burning is to occur near standing timber, bush, buildings or flammable material;
- all fires must be extinguished prior to leaving the burning area; and,
- other special conditions: _____

I have read, acknowledge and hereby agree to the above and to abide by the terms regulating the control of fires as contained in the Village of Chase Outdoor Burning Regulations Bylaw No. 730 - 2010.

Permit Holder's Signature

Date

Designated Village Official

Date

Distribution: Original – Permit Holder 2nd Copy – Fire Chief 3rd Copy – Village File

IN CASE OF EMERGENCY CALL 9-1-1