

August 12, 2015

Salt Spring Island Fire Protection District

Open-Burning Bylaw No. 125

A bylaw to repeal Bylaw No. 92

The Trustees of the Salt Spring Island Fire Protection District enact as follows:

PURPOSE AND PREAMBLE:

By letters patent issued on November 24, 1959, the Salt Spring Island Fire Protection District (SSIFPD) was given authority to undertake provisions for fire protection for the prescribed local service areas of Salt Spring Island and was given power under Section 731 of the *Local Government Act*.

Subject to the *Fire Services Act*, the trustees of the SSIFPD may enact Bylaws for the safety, health and welfare of people and the protection of people and property according to Section 745 of the *Local Government Act*.

Therefore, trustees of the SSIFPD enact the following Bylaw to be known as the "Open-Burning Bylaw".

PART I – DEFINITIONS:

In this bylaw:

1. **Campfire** - means Open Burning that meets the following requirements, in accordance with the *Wildfire Regulation, Wildfire Act, SBC 2004* (except as follows), that:
 - (a) burns material in one pile no larger than 0.5 m in height and 0.5 m in width; and
 - (b) is lit, fueled or used for recreational, cooking and warmth or for ceremonial purposes.
2. **Category-2 Open Burning** - means Open Burning, other than a Campfire, in accordance with the *Wildfire Regulation, Wildfire Act, SBC 2004* (except as follows), that:
 - (a) burns material concurrently in no more than two piles each not exceeding 2 m in height and 3 m in width; and
 - (b) where the material has been piled by hand.
3. **Category-3 Open Burning** - means Open Burning, in accordance with the *Wildfire Regulation, Wildfire Act, SBC 2004*, that burns:
 - (a) material concurrently in 3 or more piles each not exceeding 2 m in height and 3 m in width; or
 - (b) material in one or more piles each exceeding 2 m in height or 3 m in width; or
 - (c) one or more windrows; or
 - (d) stubble or grass over any area.

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4. Demolition Waste – means any material resulting from or produced by the complete or partial destruction or tearing down of any structure.
5. Domestic Incinerator – means any metal or masonry container equipped with a tight-fitting wire screen lid of not more than 1 centimetre (3/8”) to restrict any sparks or flying debris. It is used for the Open Burning of dry segregated Garden Refuse from any single or multi-family dwelling unit occupied by a single-family or multi-family. Burning of Garden Refuse in a Domestic Incinerator is classed as Category-2 Open Burning.
6. Fire Ban – means periods when Open Burning of selected categories may be prohibited under Order by the Fire Chief, or his designate.
7. Fire Chief – means the person appointed by the Salt Spring Island Fire Protection District, to be in charge of Salt Spring Island Fire Rescue, its equipment and the fire fighting personnel of the Salt Spring Island Fire Protection District, or his designate.
8. Fire Control - means an action to contain, extinguish or limit the spread of a fire.
9. Fire Department – means the Fire Department established for the local service area by bylaw of the Salt Spring Island Fire Protection District.
10. Garbage – means all household and commercial waste or refuse, whether it contains the remains of edible food or not.
11. Garden Refuse - means leaves, foliage, prunings, weeds, crops or stubble for domestic purposes or in compliance with the *Weed Control Act*.
12. Green Debris – means tree cuttings, pruning or trimmings that have been cut and not allowed to dry for a minimum of 30 days.
13. Improvement District - means the Salt Spring Island Fire Protection District.
14. Noxious Material – includes all tire, plastics, rubber products, drywall, Demolition Waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials and petroleum products.
15. Nuisance means the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere (as defined by Section 725 of the *Local Government Act*).
16. Open Burning – means the combustion of material with or without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere. Open Burning includes burning of Garden Refuse in a Domestic Incinerator operated outdoors. Open Burning does not include:
 - (a) liquid-fuel or propane-fueled appliances;
 - (b) Personal Barbeques or contained charcoal fires for the purpose of cooking food;

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- (c) fires used by Fire Department for training and education;
 - (d) fires used by authorities having jurisdiction set in accordance with federal or provincial regulations.
17. Order – means any order, decision, requirement or direction given by the Fire Chief or his/her designate.
 18. Permit – means a document signed and issued pursuant to the provisions of this bylaw authorizing a Person to undertake Open Burning under the conditions specified in the document.
 19. Person – includes any firm or corporation.
 20. Personal Barbeques - means a total grill area less than 0.50 m², not located within 1.5 metres of any grass, brush, shrubbery or wooden fences and not located within 4 metres of any structure does not require a Permit.
 21. Special Open-Burning – means ceremonial fires, special-event barbeques and other fires that may be permitted during Fire Bans.
 22. Special Open-Burning Permit – means a document signed and issued pursuant to the provisions of this bylaw authorizing a Person to undertake Special Open Burning under the conditions specified in the document.
 23. Ventilation Index – means the Environment Canada forecast Ventilation Index, which provides regional information on airflow venting.

PART II – REGULATIONS

1. No Person shall carry out Open Burning without a valid Permit issued by the Fire Chief. Permits are required year round for all Open Burning and may be suspended when Open Burning is prohibited during Fire Ban periods.
2. If at any time the Fire Chief deems it advisable, he/she may suspend any or all permits issued pursuant to this bylaw, or he/she may attach to any or all permits such conditions and restrictions as deemed proper. Open Burning is prohibited during times specified by the Fire Chief as Fire Ban periods. Fire Bans may be enacted at different periods for different categories of Open Burning.
3. If at any time the Fire Chief deems it advisable, the Fire Chief may order one or more of the high risk activities in Schedule B to be prohibited for specified period of time unless authorized by a special permit issued by the Fire Chief.

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4. The Fire Chief or any person under his/her authority may:
 - (a) enter at all reasonable times on any property that is subject to the requirements or regulations of this bylaw, to ascertain whether the regulations in this bylaw or directions made under this bylaw are in compliance;
 - (b) make Orders directing the owners or occupiers of property to bring Open Burning into compliance with this bylaw;
 - (c) prevent material not properly prepared (i.e. dried) from being added to Open Burning;
 - (d) call on the Ministry of Environment's Conservation Officers if a Person is Open Burning waste in contravention of the Environmental Management Act;
 - (e) order the operator to immediately put the fire out; and
 - (f) extinguish Open Burning.
5. No Person shall obstruct or prevent the Fire Chief or person acting under the Fire Chief's authority from conducting an inspection under this bylaw.
6. The Fire Chief may withhold or cancel any Permit or Special Open-Burning Permit issued where, in his/her opinion, Open Burning may create a hazard or Nuisance to Persons or property.
7. All material burned within Open Burning must originate from the property where it is being burned.
8. A valid Permit is non-transferable between civic properties.
9. For the purpose of preventing danger, damage and injury to property and/or a Person because of Open Burning, all fires shall be continuously supervised and controlled by a Person who is at least 16 years old.
10. Category-3 Open Burning shall:
 - (a) comply with the requirements of the *Environmental Management Act, Open Burning Smoke Control Regulations and the Open Burning Smoke Control Code of Practice*;
 - (b) comply with applicable requirements of the *Wildfire Act, and the Wildfire Regulations, SBC 2004*; and
 - (c) have Fire Control requirements of a machine and operator on site, of sufficient size to control the fire at all times while the fire is burning.
11. Category-2 Open Burning shall:

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- (a) be hand piled and located at least 10m from any structure or property line and 5m from any standing vegetation;
 - (b) have Fire Control requirements of an available water supply, sufficient for suppression of the fire within five minutes, at all times while the fire is burning.
12. Domestic Incinerators and Campfires shall:
- (a) be located at least 5 metres from any structure or property line and 1.5 metres from any standing vegetation or other combustibles; and
 - (b) have Fire Control requirements of a firefighting hand tool (shovel, Pulaski, or similar tool) and/or eight litres of water available at all times while the fire is burning.
13. No Person shall burn Noxious Materials or Garbage, or the prohibited materials listed in Schedule A, the *Environmental Management Act*, *Open Burning Smoke Control Regulation*, and/or the *Open Burning Smoke Control Code of Practice*.
14. No Person shall conduct Category- 3 Open Burning or Open Burning of Green Debris:
- (a) within 500 metres of any school in session, hospital and building used for continuing care as defined under the *Continuing Care Act*;
 - (b) within 100 metres of a neighboring residence or business; and
 - (c) unless the Ventilation Index is forecast as “good” for the day the Open Burning is started, and “good” or “fair” on the second day the debris is anticipated to release smoke.
15. No Person shall add additional materials to Category-3 or Category-2 Open Burning less than two hours before sunset.
16. No Person shall conduct Open Burning without consent of the property owner.
17. The owner of a Domestic Incinerator shall ensure that the incinerator is maintained in a condition that provides for the proper combustion of allowable material burned. Where, in the opinion of the Fire Chief, any Domestic Incinerator is likely to create or become a fire hazard due to damage, deterioration, lack of maintenance, construction or location, the Fire Chief may:
- (a) direct the owner of the Domestic Incinerator to alter, renovate, repair or relocate the incinerator; or
 - (b) Order the owner of the Domestic Incinerator to discontinue its use.

Cost Recovery

18. Every person who starts or allows Open Burning is responsible for such fire. If, in the opinion of the Fire Chief, the fire presents a hazard, has escaped or threatens to escape

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from the person's control or is prohibited under the terms of this bylaw, the Fire Department may be summoned to control or extinguish the fire. The property owner shall be liable for all costs and expenses incurred by the Fire Department or the District to control or extinguish the fire.

19. The burning of any material without a required Permit shall result in cost recovery from the owner of land where the Fire Department attended for fire service, as per Section 759 of the *Local Government Act*. These recovery rates shall follow the most current *Reimbursement Rates* from the *B.C. Inter-Agency Working Group Report* for personnel and equipment.
20. Costs owed to the Improvement District under this Part are payable upon receipt of an invoice from the Improvement District. Any disputes over the amount owing must be brought to the attention of the Fire Chief within thirty (30) days of the date of the invoice and may be heard and resolved by the Board of Trustees of the Improvement District.

Severability

21. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court, the section, subsection, sentence, clause or phrase may be severed from the remaining portions of this Bylaw.

Scope and Penalties

22. In the event of there being any conflict between the terms and provisions of this bylaw and the terms or provisions of the *Fire Services Act*, the *Environmental Management Act* or other provincial acts or regulations, the terms and provisions of the said acts or regulations shall prevail.
23. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the *Offence Act*.
24. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

Repeal of Bylaw

25. Bylaw 92 and amendments are hereby repealed.

Citation

26. This bylaw may be cited for all purposes as “Open-Burning Bylaw No. 125”.

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Schedule A

Prohibited Material

The following material must not be included with debris that is burned, as per the *Environmental Management Act, Open Burning Smoke Control Regulations and the Open Burning Smoke Control Code of Practice.*

tires	treated lumber
plastics	railway ties
drywall	manure
demolition waste	rubber
domestic waste	asphalt
paint	asphalt products
hazardous waste	fuel and lubricant containers
tar paper	biomedical waste

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Schedule B

High Risk Activities

The activities specified in the Wildfire Act, *Wildfire Regulations* (B.C. Reg.38/2005) are high risk activities for the purposes of this bylaw. Included are:

- a) Mechanical brushing;
- b) Disk trenching;
- c) Preparation or use of explosives;
- d) Using fire- or spark- producing tools, including cutting tools;
- e) Using or preparing fireworks or pyrotechnics;
- f) Grinding, including rail grinding;
- g) Mechanical land clearing;
- h) Clearing and maintaining rights of way, including grass mowing;
- i) Any of the following activities carried out in a cutblock excluding a road landing, roadside work area or log sort area in the cutblock:
 - i. operating a power saw;
 - ii. mechanical tree falling, woody debris piling or tree processing, including de-limbing;
 - iii. welding;
 - iv. portable wood chipping, milling, processing or manufacturing;
 - v. skidding logs or log forwarding unless it is improbable that the skidding or forwarding will result in the equipment contracting rock;
 - vi. yarding logs using cable systems.