

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1028

**A BYLAW TO REGULATE
OUTDOOR BURNING IN THE
EXTENSION FIRE PROTECTION
SPECIFIED AREA**

WHEREAS the Regional District of Nanaimo may by bylaw, under Section 786(1)(c) of the Municipal Act make rules for the provision, operation and administration of a service area established under Section 788(1)(g) of the Municipal Act;

AND WHEREAS the Regional District Board may, by bylaw exercise the powers under Section 700 of the Municipal Act in a specified area established under Division XXII of the Supplementary Letters Patent of the Regional District;

AND WHEREAS the Board of the Regional District of Nanaimo deems it necessary to regulate outdoor burning;

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

1. **Title**

This bylaw may be cited for all purposes as “Regional District of Nanaimo Extension Fire Protection Specified Area Outdoor Burning Bylaw No. 1028, 1996”.

2. **Interpretation**

In this bylaw:

“**Agricultural Clearing Waste Fire**” means an outdoor fire in which only waste resulting from agricultural activities or from brush clearing, tree clearing, or stump removal to facilitate agricultural use of the land is burned.

“**Board**” means the Board of Directors of the Regional District of Nanaimo.

“**Clearing Waste Fire**” means an outdoor fire in which waste resulting from brush clearing, tree clearing, or stump removal is burned.

“**District**” means the Regional District of Nanaimo.

“**Domestic Incinerator**” means any metal or masonry container equipped with a tight fitting wire screen lid of a mesh not greater than 1 centimetre (or 3/8”) to restrict any sparks or flying debris.

“Fire Chief” means the Fire Chief of the applicable fire protection local service area or specified area or his authorized agent.

“Fire Danger Rating Sign” means a sign located at the Extension Fire Hall, 2201 Bramley Road, Nanaimo, B.C.

“Fire Season” means the period starting April 1st and ending October 31st unless otherwise specified by notice from the Fire Department.

“Garden Refuse” means any non-toxic garden materials gathered from any single lot not exceeding one hectare in size, and includes grass clippings, leaves, branches pruned from trees and shrubs and similar garden materials.

“Garden Refuse Fire” means an outdoor fire in which garden refuse is burned.

“Noxious Material” includes tires, rubber products, drywall, demolition waste, construction waste, animal organic waste, biomedical waste, waste petroleum products, tar, asphaltic products, batteries, plastic and any other substance which produces heavy black smoke, noxious odours or toxic residues when burned or which is explosive or corrosive when burned.

“Officer” means a member appointed by the Fire Chief, subject to approval by the Board and given specific authority to assist the Fire Chief in his or her duties.

“Outdoor Fire” means every fire that burns in the open air and is not completely enclosed in an incinerator, furnace or other device.

“Specified Area” means the Extension and District Fire Protection Specified Area.

3. **Application**

This bylaw shall apply within the Specified Area.

4. **General Regulations - Outdoor Fires**

The following types of outdoor fires may be started and maintained at any time:

- (a) cooking fires contained within a barbecue.
- (b) fires started and maintained by the Fire Department having responsibility for fire prevention and suppression within the Specified Area for training purposes or to prevent the commencement or spreading of fire.

5. No person shall start or maintain a cooking fire contained within a fire pit or a fire in a domestic incinerator:
 - (a) when the Forest Danger Rating Sign reads “early shift” or “extreme conditions”.
 - (b) unless a person of sixteen (16) years of age or older is, at all times, present at the burning site when the fire is burning, for the purpose of supervising and extinguishing the fire.
6. No person shall start or maintain an outdoor fire of less than ten (10) cubic metres per hectare:
 - (a) during fire season, unless that person has first obtained a permit from the Fire Chief or an Officer;
 - (b) within three (3) metres of any building, structure, overhead wiring or highway;
 - (c) unless a person sixteen (16) years of age or older is, at all times, present at the burning site when the fire is burning, for the purpose of supervising and extinguishing the fire.
7. No person shall start or maintain an outdoor fire of ten (10) cubic metres or more per hectare:
 - (a) unless that person has first obtained a permit from the Fire Chief or an Officer;
 - (b) within ten (10) metres of any building, structure, overhead wiring or highway;
 - (c) unless a person sixteen (16) years of age or older is, at all times, present at the burning site when the fire is burning, for the purpose of supervising and extinguishing the fire.
8. A person starting or maintaining a fire over ten (10) cubic metres must follow the open burning smoke control regulation, B.C. Reg. 145/93, and the open burning smoke control code of practice as defined in that regulation.
9. No person shall burn any noxious material.
10. **Permit**
 - (a) The Fire Chief or an Officer may issue a permit for an agricultural waste fire, land clearing waste fire or a garden refuse fire where he or she considers it safe to do so.
 - (b) The Fire Chief or an Officer may withhold or cancel any permit issued where, in his or her opinion, the igniting of a fire may create a hazard or nuisance to persons or property, and the Fire Chief or an Officer may extinguish or order the extinguishment of any fire that is causing nuisance to persons, or any fire started without permit to do so.

11. **Inspection and Orders**

The Fire Chief or an Officer may:

- (a) enter at all reasonable times on any property that is subject to this bylaw, to ascertain whether the regulations in this bylaw or directions made under this bylaw are being observed;
 - (b) inspect premises for conditions which may cause a fire or increase the danger of a fire or increase the danger to persons;
 - (c) make orders directing the owner or occupiers of property to bring their premises or a fire into compliance with this bylaw.
12. No person shall obstruct or prevent the Fire Chief or an Officer from carrying out an inspection under this bylaw.

13. **Offence**

- (a) Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty imposed by this bylaw, shall be liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00).
- (b) Each day a violation is caused or allowed to continue constitutes a separate offence.

14. **Severability**

If for any reason any section or subsection of this bylaw is held to be invalid by a Court of competent jurisdiction, it shall be severed from the bylaw and shall not affect the validity of the remaining parts of this bylaw or of this bylaw as a whole.

Introduced and read three times this 9th day of July, 1996.

Advertised this 30th day of July, 1996.

Adopted this 13th day of August, 1996.

CHAIRPERSON

SECRETARY

Schedule 'A' to accompany "Regional District of Nanaimo Extension Fire Protection Local Service Area Outdoor Burning Bylaw No. 1028, 1996"

Chairperson

Secretary

REGIONAL DISTRICT OF NANAIMO

Schedule 'A'

EXTENSION OUTDOOR BURNING BYLAW
PERMIT APPLICATION

Date of Application: _____

Name of applicant: _____

Address of Applicant: _____

Telephone Number: _____

Location of Proposed Fire: _____

Property Owner/Occupier: _____

Date(s) of Proposed Fire: _____

Purpose of Proposed Fire: _____

Material to be Burnt: _____

"The applicant hereby releases and agrees to indemnify and save harmless the Regional District of Nanaimo, its elected and appointed officers and employees and volunteers of and from any and all claims, suits, demands, expenses, costs, actions, causes of action, fees, expenses whatsoever arising from or connected with the granting of a permit for a fire under the Extension Fire Protection Local Service Area Outdoor Burning Bylaw No. 1028, 1996."

Signature of Applicant

Date

Schedule 'B' to accompany "Regional District of Nanaimo Extension Fire Protection Local Service Area Outdoor Burning Bylaw No. 1028, 1996"

Chairperson

Secretary

REGIONAL DISTRICT OF NANAIMO

Schedule 'B'

PERMIT FOR OUTDOOR FIRES

Authority is granted to _____

Telephone: _____

Address: _____

Location of proposed fire: _____

Issue date of permit: _____ Permit expires on: _____

Purpose of burn (circle one): Backyard Burning

Land clearing

Fires permitted under this permit are subject to the following:

1. The permittee shall be responsible for the fires authorized by this permit.
2. The permittee shall provide at the site at all times during the fire authorized by this permit a person of 16 years of age or older equipped with suitable tools and water to effectively safeguard a fire.
3. The permittee shall ensure that under this permit noxious waste will not be burnt.
4. The permittee shall totally extinguish all fires authorized by this permit, on or prior to the Expiration date of the permit, or shall extinguish them forthwith upon suspension or cancellation of the permit, or when instructed to do so by the Fire Chief or an Officer.
5. The person lighting, fueling or making use of the open fire must, immediately on the fire escaping, or threatening to escape, provide, in addition to the person patrolling, two adult persons with suitable fire fighting tools, and must ensure that they make reasonable attempts to extinguish the fire.

6. The permittee shall ensure that debris must be burned on the property from where it originated, and must comply with the "Open burning smoke control code of practice"
7. The permittee shall also abide the following special conditions while acting under this permit.

Issued By: _____

Position: _____

SPECIAL CONDITIONS:

- A. Piles of materials to be burned must not exceed ___ metres in height and ___ metres in diameter or width.
- B. A fireguard constructed to mineral soil, ___ metres in width must be constructed around the pile or area to be burned prior to ignition.
- C. The material to be burned must be ___ metres from any snag, slash, wooden structure or standing timber.
- D. No more than ___ burn piles to be ignited at one time. Ignited piles must have burned down to a smoldering condition before more piles are ignited.
- E. Not less than ___ litres of water in open drums or tanks together with ___ seven litre or larger pails, must be in immediate vicinity of the fire prior to light-up and shall remain available for fire fighting purposes until all fire has been extinguished.
- F. Light-up shall be restricted to just after or during a rain.
- G. The permittee will contact _____ prior to light-up.
- H. A fire pump in good working order with enough hose to reach around the area to be burned is to be set up at an adequate water source (minimum ___ litres) while burning is in progress.
- I. A garden hose long enough to reach the burning and enough water pressure to discharge water for 2 metres is to be laid out while burning is in progress.
- J. The following tools must be kept at the burning site for fire fighting, until the fire is extinguished:

- K. The fire/fires set under this permit, must be attended and safeguarded 24 hours per day.
- L. In addition to the requirements of condition 5 the permittee shall be responsible for suppressing any escape or threatened escape of the fire, including the provision of not less than the following resources:
____ adult persons
the following equipment: _____

- M. This permit is subject to cancellation or suspension when necessary for the control of smoke.
- N. To control the amount of smoke created by the fires authorized under this permit, the burning piles must be tended regularly so that all fuel is rapidly consumed. The fires must be completely extinguished within ___ hours after ignition. *It may be necessary to use an auxiliary air supply to promote good combustion to meet these requirements.*
- O. No material other than dry wood, paper, cardboard or diesel fuel oil is used as a fuel to start, assist, or enhance the burning. Burning of the following is prohibited:
- | | | | |
|------------------|----------------|-------------------------------|---------------|
| demolition waste | tar paper | asphalt products | drywall |
| domestic waste | treated lumber | tires | special waste |
| rubber | paint | fuel and lubricant containers | plastics |
| railway ties | manure | biomedical waste | |
- P. No burning is permitted within 100 metres of neighboring residences and businesses and 500 metres from schools in session, hospitals and continuing care facilities.