

DISTRICT OF 100 MILE HOUSE

Bylaw No.1480

A bylaw to regulate open burning within the District of 100 Mile House

WHEREAS the Council of the District of 100 Mile House wishes to adopt a bylaw to regulate open burning within the Municipal boundaries;

NOW THEREFORE the District of 100 Mile House, in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the "***District of 100 Mile House Open Burning Bylaw No. 1480, 2026.***"

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"Bylaw Enforcement Officer" means any person appointed by Council, or under any applicable enactment to enforce this bylaw.

"Compostable Materials" means waste products from plants, trees, or other vegetation that are naturally biodegradable including grass clippings, leaves, tree needles, garden waste, and weeds.

"Council" means the Council of the District of 100 Mile House.

"District" means the District of 100 Mile House.

"Demolition Waste" means any material resulting from or produced by the complete or partial destruction or tearing down of any structure;

"Domestic Incinerator" means any metal or masonry container equipped with a tight fitting wire screen lid of a mesh not greater than 1 centimeter (or 3/8") to restrict any sparks or flying debris. It is used for the burning of dry segregated garden refuse from any single or multi-family dwelling unit occupied by a single-family or multi-family. Burning garden refuse in a domestic incinerator is classed as open burning defined under (o);

"Domestic Waste Materials" means household material and food waste but does not include newspaper and cardboard;

“Fire Chief” means the person appointed by Council as Fire Chief for the District of 100 Mile House.

“Garden Refuse” means leaves, foliage, prunings, weeds, crops or stubble for domestic purposes or in compliance with the **Weed Control Act**;

“Garbage” means all household and commercial waste or refuse, whether it contains the remains of edible food or not.

“Incinerator” means a combustion device specifically designed of controlled high temperature burning of waste materials and equipped with a stack or chimney for discharge of contaminants (smoke) to the atmosphere;

An incinerator does not include an outdoor “domestic Incinerator”.

“Noxious Material” includes tires, plastic, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphaltic products, battery boxes, plastic materials, waste petroleum products, all of which may produce heavy black smoke or noxious odors;

“Open Burning” means the combustion or burning of any substance in the open air by any means but shall not include:

- The operation of an outdoor barbeque intended for and used solely for the preparation of foods;
- Fires used by Fire Department authorities for the purpose of education, training and other Fire Department purposes;
- campfires

“Permit” means a document issued pursuant to the provisions of this bylaw.

“Prohibited Materials” means animal carcasses and waste from animal slaughtering; asphalt or asphalt products; batteries; biomedical waste, carpets, construction waste other than lumber that has not been treated with wood preservatives or other chemicals and is not coated with paint, varnish, oil or other finishing material; demolition waste; drywall; domestic waste; electrical wire; fiberglass and other fiber-reinforced polymers; fuel and lubricant containers; furniture and appliances; hazardous waste, manure; paint and varnish, plastics; polystyrene form; railway ties; rubber; tar paper; tires; treated or painted wood products; used oil.

3. APPLICATION

- 3.1 Campfires and open burning are not permitted in the District except in accordance with this Bylaw.
- 3.2 This Bylaw applies to all areas of the District of 100 Mile House.
- 3.3 Nothing contained in this Bylaw shall excuse compliance with other applicable laws of authorities having jurisdiction that have the effect of being more restrictive than this Bylaw.

4. CAMPFIRES

- 4.1 Campfires are permitted with the permission of the property owner provided that the fire is fueled by seasoned wood and provided the fire is no larger than 0.5 metre x 0.5 metre in size and is controlled by a competent person equipped with sufficient equipment to prevent the fire from getting out of control. No campfires will be allowed when the fire hazard is rated as "high" by the Ministry of Forests or any other time that Ministry deems as dangerous. A minimum separation of three metres shall be maintained between campfires and any combustible material.

5. GENERAL REGULATIONS AND PROHIBITIONS

- 5.1 All persons conducting "Open Burning" under the provisions of the Bylaw must submit an application for a Burning Permit in the form provided by the District of 100 Mile House.
- 5.2 No person shall conduct open burning unless in accordance with an approved burning permit, and during a permitted burning period.
- 5.3 No person shall burn garbage, compostable materials, or prohibited materials.
- 5.4 No person shall conduct open burning by use of an incinerator, burning barrel, outdoor fireplace with a flue or similar device,
- 5.5 All owners and occupiers of property on which burning is permitted in accordance with this bylaw shall ensure that no nuisance or hazard is caused by any open burning.
- 5.6 No person shall conduct burning of the wood, trees, stumps, shrubbery and woody debris that results from clearing land that is the subject of a rezoning, subdivision, development permit or soil permit application to help prepare the land for a different land use or density.
- 5.7 No person, except an officer or member or an employee of the Municipality in the course of their employment, shall make or light any fire in any highway allowance,

street, lane, square, park or other public place within the Municipality, except as so authorized by the Fire Chief.

- 5.8 No person shall discard, throw or drop any lighted match, cigar, cigarette or other burning substances into combustible material or in close proximity thereto.
- 5.9 Notwithstanding subsection 5.3, in any area zone "Agricultural" or "Industrial" where the Fire Chief or an Officer designated by him considers it safe to do so, the Fire Chief or Officer designated by him may issue a permit for burning in the open air of cut and piled brush, slash, grass and other organic agricultural materials resulting from the clearing of land and for the destruction of agricultural waste materials originating on that, provided that:
- a) Every person who starts a fire under the provisions of this subsection shall cause a watch to be kept on such fire until it is completely extinguished and shall provide sufficient personnel, appliances and equipment to prevent the fire from becoming dangerous to life or property;
 - b) Such burning shall not be carried out within 50 meters from any buildings, structures, standing timber or any other flammable or combustible material;
 - c) Such burning shall only be carried out from Monday to Friday inclusive in any week;
 - d) No pile of burning material shall exceed 5 meters in diameter or 3 meters in height;
 - e) No substances which provide heavy black smoke when burned, such as rubber tires or petroleum products, shall be burned in connection with such burning; and
 - f) No such burning shall be carried out where, due to climatic conditions or other hazards, it would be unsafe to do so.
- 5.10 Notwithstanding section 5.3, where the Fire Chief or an Officer designated by him considers it expedient to do so, he may issue a permit for burning in the open air, wood for camp fires, provided that such burning shall only be carried out in areas designated and approved by the Fire Chief.
- 5.11 Notwithstanding section 5.3, charcoal, natural gas or propane gas fires contained within barbecues or other approved appliances for the sole purpose of cooking food shall be permitted.

- 5.12 Every application for a fire permit pursuant to this bylaw shall be made to the Fire Chief or designate on a form approved by the Fire Chief. The Fire Chief or designate is hereby authorized and empowered to grant or refuse any such permit, subject to the provisions of this bylaw, the Fire Safety Act, the Forest Services Act and the Waste Management Act.
- 5.13 The Fire Chief or designate, may attach to any fire permit issued pursuant to this bylaw such conditions and restrictions as deemed necessary for safety and the prevention of the spread of fire.
- 5.14 The Fire Chief or designate, is hereby authorized and empowered to suspend or revoke any permit under this bylaw where it is determined that the holder of the permit has done anything which contravenes any provision of this bylaw, the Fire Services Act, and the regulations pursuant thereto which contravenes this bylaw, the Fire Safety Act, the Forest Act, Waste Management Act or any regulation pursuant thereto.
- 5.15 Notwithstanding any other provision of this bylaw the Fire Department may burn buildings, structures or other materials for the purpose of training its personnel in structural or wildland firefighting methods, fire investigation procedures or for the purpose of elimination of hazards.
- 5.16 When the Fire Chief or designate deems it expedient to do so or where in his/her consideration hazardous fire conditions exist he/she may order a total ban on burning and may suspend, cancel or restrict for such time as he/she may deem necessary any or all burning permits issued pursuant to this bylaw or the Forest Act within the Municipality.

6. BURNING OF GARBAGE AND NOXIOUS MATERIAL

- 6.1 No person shall burn garbage and/or noxious material in an open fire in a domestic incinerator or in any other similar device. Such action puts the person in contravention of the Waste Management Act.

7. INSPECTIONS AND ORDERS

- 7.1 The Fire Chief or any person under his or 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 direction made under this bylaw are in compliance;
 - b) make orders directing the owners or occupiers of property to bring the fire into compliance with this bylaw;

- c) prevent material not properly prepared (i.e. dried) from being added to fire;
- d) call on BC Environment's Conservation Officers if a person is burning waste in contravention of the **Waste Management Act**;
- e) order the operator to immediately put the fire out.

8. COST RECOVERY

- 8.1 Every owner/occupant of a dwelling who starts or allows to be started any outdoor fire or 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 from the owner's control or is prohibited under the terms of this bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the District to control or extinguish the fire. The costs and expenses of such attendance, as set out in the District Fees and Charges Bylaw, or under any other bylaw of the District, as amended from time to time, shall be paid by the owner or occupier of the premises on which the fire was ignited. together with any administration costs. Fees pursuant to this section are payable within thirty (30) days of receipt of invoice. Any amount remaining unpaid on December 31 of the year in which the bill originated may be recovered, with interest at the rate prescribed for unpaid taxes, and in the same manner as taxes in arrears.

9. OBSTRUCTION

- 9.1 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;

10. LIABILITIES FOR DAMAGES

- 10.1 This Bylaw does not create a duty of care in respect of the District, its Council, officials, officers, employees or agents acting pursuant to this Bylaw, concerning anything required by this Bylaw or the enforcing or failing to enforce any matter referred to in this Bylaw.
- 10.2 No failure to administer or enforce or incomplete or inadequate administration or enforcement of the provisions of this Bylaw, nor any error, omission or neglect in relation to any matter described in this Bylaw shall give rise to a cause of action in favor of any person.

11. SEVERABILITY

- 11.1 If any section, subsection, or paragraph of this Bylaw is found invalid by a decision of a Court of competent jurisdiction, the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

12 PENALTY

- 12.1 Every person who contravenes a provision of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and;
- a) on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000.00 (plus the costs of prosecution).
 - b) on conviction of a bylaw offence under the District of 100 Mile House Bylaw Notice Enforcement Bylaw No. 1429, 2026 is liable for the penalty imposed under that bylaw; and
 - c) subject to penalties imposed by way of a bylaw offence notice or as otherwise permitted by law.
- 12.2 Each day during which violation of this bylaw is continued shall be determined to constitute a new and separate offence.

12. REPEAL

That Open Burning Bylaw No. 951, 2004 and all amendments thereto, are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this 25th day of August, 2026.

ADOPTED this 8th day of Septemer, 2026.

Mayor

Corporate Officer