

# DISTRICT OF 100 MILE HOUSE

## Bylaw No. 951

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

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

AND WHEREAS this bylaw may be cited for all purposes as "*Open Burning Bylaw No. 951, 2004*".

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

### 1. Interpretation

(1) In this bylaw

(a) Animal Organic Waste

"Animal Organic Waste" means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers;

(b) Approval

"Approval" means acceptance as satisfactory to the Fire Chief or designate of the District of 100 Mile House Fire-Rescue Department;

(c) Council

"Council" means the Municipal Council of the District of 100 Mile House;

(d) District

"District" means the District of 100 Mile House;

(e) Debris

"Debris" means disturbed or undisturbed vegetative matter targeted for management or disposal by open burning;

(f) Demolition Waste

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

(g) Domestic Incinerator

"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);

(h) Domestic Waste Material

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

(i) Fire Chief

“Fire Chief” means the person appointed by the Council of the District of 100 Mile House to be in charge of the Fire Department and the firefighting personnel or firefighters of the District of 100 Mile House;

(j) Firefighter

“Firefighter” means a member of the Fire Department of the District of 100 Mile House.

(k) Garden Refuse

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

(l) Garbage

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

(m) Gender Reference

Any and all references made in the masculine shall also include the feminine, and for the purpose of this bylaw shall be referred to in the masculine;

(n) Incinerator

“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” or defined in (g) above;

(o) Noxious Material

“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 odours;

(p) Open Burning

“Open 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. Open burning includes burning of garden refuse in a domestic incinerator operated outdoors but it does not include charcoal fires contained within barbecues and hibachis for the purpose of cooking food;

(q) Order

“Order” means any order, decision, requirement or direction given by the Fire Chief or his/her designate;

(r) Permit

“Permit” means a document issued pursuant to the provisions of this Bylaw;

(s) Smoke

“Smoke” means the gases, particulate matter and products of combustion emitted into the atmosphere from burning; and

(t) Ventilation Index

“Ventilation Index” means the Environment Canada forecast ventilation index which provides regional information on airflow venting.

## **2. Fires In Public Places**

- 2.1 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.
- 2.2 No person shall discard, throw or drop any lighted match, cigar, cigarette or other burning substances into combustible material or in close proximity thereto.
- 2.3 Except as hereinafter specifically provided, no person shall light, ignite, start or knowingly permit or cause to be started or ignited, or continue any burning in the open air or in any portable incinerator, outdoor fireplace or other portable appliance or device in the open air for any purpose.

- 2.4 Notwithstanding subsection 2.3, 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:
- (1) 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;
  - (2) Such burning shall not be carried out within 50 meters from any buildings, structures, standing timber or any other flammable or combustible material;
  - (3) Such burning shall only be carried out from Monday to Friday inclusive in any week;
  - (4) No pile of burning material shall exceed 5 meters in diameter or 3 meters in height; .
  - (5) 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
  - (6) No such burning shall be carried out where, due to climatic conditions or other hazards, it would be unsafe to do so.
- 2.5 Notwithstanding section 2.3, 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.
- 2.6 Notwithstanding section 2.3, charcoal, natural gas or propane gas fires contained within barbecues or other approved appliances for the sole purpose of cooking food shall be permitted.
- 2.7 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 Services Act, the Forest Services Act and the Waste Management Act.
- 2.8 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.

- 2.9 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 Services Act, the Forest Act, Waste Management Act or any regulation pursuant thereto.
- 2.10 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.
- 2.11 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.

### 3. **Burning of Garbage and Noxious Material**

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.

### 4. **Inspection and Orders**

The Fire Chief or any person under his or her authority may:

- 4.1 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;
- 4.2 make orders directing the owners or occupiers of property to bring the fire into compliance with this Bylaw;
- 4.3 prevent material not properly prepared (i.e. dried) from being added to fire;
- 4.4 call on BC Environment's Conservation Officers if a person is burning waste in contravention of the *Waste Management Act*;
- 4.5 order the operator to immediately put the fire out.

### 5. **Cost Recovery**

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 may be recovered from the owner together with any administration costs in like manner as municipal taxes.

6. **Obstruction**

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;

7. **Liabilities for Damages**

This Bylaw shall not be construed to hold the District nor its authorized agent or agents responsible for any damage to persons or property by reason of:

- (a) Inspections authorized by this Bylaw, or
- (b) The failure to carry out an inspection, or
- (c) A permit issued as herein provided.

8. **Repeal**

That Residential Backyard Burning Bylaw No. 782, 1998 and all amendments thereto, are hereby repealed.

9. **Effective Date**


This Bylaw is effective and in force and binding on all persons as from the day following the day of its adoption.

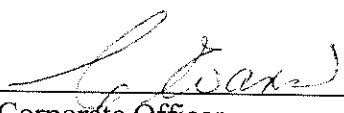
READ A FIRST TIME this \_\_\_\_\_ 14th \_\_\_\_\_ day of \_\_\_\_\_ December \_\_\_\_\_, 2004.

READ A SECOND TIME this \_\_\_\_\_ 14th \_\_\_\_\_ day of \_\_\_\_\_ December \_\_\_\_\_, 2004.

READ A THIRD TIME this \_\_\_\_\_ 14th \_\_\_\_\_ day of \_\_\_\_\_ December \_\_\_\_\_, 2004.

PASSED AND ADOPTED this \_\_\_\_\_ 11th \_\_\_\_\_ day of \_\_\_\_\_ January \_\_\_\_\_, 2005.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Corporate Officer