



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

BYLAW NO. R1025

**A bylaw to control residential backyard burning within the
Bamfield Fire Specified Area**

WHEREAS the Alberni-Clayoquot Regional District may, by bylaw, establish the control of residential backyard burning;

AND WHEREAS the Alberni-Clayoquot Regional District has established, by Bylaw 24 cited as Bamfield Specified Area Establishment and Loan Authorization as amended, a specified area for the purpose of providing fire protection within a defined portion of Electoral Area "A" (Bamfield);

AND WHEREAS the Alberni-Clayoquot Regional District has deemed it necessary to set regulations for the control of residential backyard burning in the Bamfield Fire Specified Area;

NOW THEREFORE the Alberni-Clayoquot Regional District in open meeting assembled, enacts as follows:

1. CITATION

- a. This Bylaw may be cited for all purposes as the "**Bamfield Residential Backyard Burning Bylaw No. R1025, 2013.**"

2. DEFINITIONS

- a. In this Bylaw, unless the context otherwise requires:

ANIMAL ORGANIC WASTE means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers.

APPROVAL means acceptance as satisfactory to the Alberni-Clayoquot Regional District.

CATEGORY A OPEN FIRE means an open fire that burns piled material no larger than 1m in height and 1m in diameter but does not include a campfire or recreational fire.

CATEGORY B OPEN FIRE means an open fire that burns piled materials no larger than 4 cubic meters (5 feet by 5 feet by 5 feet).

BOARD means the Board of Directors for the Alberni-Clayoquot Regional District.

DEBRIS means distributed or undistributed vegetative matter targeted for management or disposal by open burning.

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DEMOLITION WASTE means any materials resulting from or produced by the complete or partial destruction or tearing down of any structure.

DISTRICT means the Alberni-Clayoquot Regional District.

DOMESTIC INCINERATOR means any metal or masonry container equipped with a tight fitting wire screen lid of a mesh not greater than one centimeter (3/8") to restrict any sparks or flying debris.

FIRE DEPARTMENT means the Bamfield Volunteer Fire Department.

FIRE CHIEF means the head of the Bamfield Volunteer Fire Department as appointed by the Board of the ACRD or his/her designate.

NOXIOUS MATERIALS includes tires, plastic, rubber products, drywall, demolition waste, domestic waste, construction waste, paint, special waste, animal organic waste, biomedical waste, tar, asphaltic products, battery boxes, waste petroleum products, all of which may produce heavy black smoke or noxious odors.

OFFICER means the Fire Chief or his/her designate, a Provincial Conservation officer or a member of the RCMP.

OPEN BURNING means the combustion of materials without control of the combustion or air and without a stack or chimney to vent the emitted products of combustion to the atmosphere but does not include charcoal fires contained within a barbeques for the purpose of cooking food.

OPEN FIRE is any fire that is not vented through a structure that has a flue incorporated in a building.

ORDER means any order, decision, requirement or direction given by an Officer.

SMOKE means the gases, particulate matter and products of combustion emitted into the atmosphere when debris is open burned.

SUPERVISOR means a person who is directly supervising the open burning.

VENTILATION INDEX means the Environment of Canada forecast ventilation index which provides regional information for airflow venting.

3. **OPEN AIR BURNING**

- a) A person may carry out open burning of debris on a parcel of land if:
 - i. The debris is open burned on the parcel of land from which it originated;

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- ii. The burn area is under 2 square meters, anything over 2 square meters requires a permit set out in Schedule "B & C";
 - iii. The substances which normally emit dense smoke or noxious odors and those prohibited materials set out in Schedule "A" are not included with debris that is open burned;
 - iv. Every reasonable alternative for reducing or recycling debris has been pursued to minimize the amount of debris to be open burned; and
 - v. The open burning is conducted in accordance with the conditions set out in the Environmental Management Act, the Wildlife Act and regulations thereto.
- b) All provincial fire bans effective within the Coastal Fire Center, shall apply within the Bamfield Fire Specified Area boundaries. If a fire ban has been imposed in any portion of the Bamfield Fire Specified Area it shall be deemed to be imposed within the entire Bamfield Fire Specified Area.

4. DISTANCE FROM BUILDINGS AND FACILITIES DURING OPEN BURNING

- a) The open burning of debris in a Category A fire must be carried out at least 5 meters from all property lines and buildings and at least 2 meters from any grass, shrubs, trees, wooded fences or other combustible material.
- b) The open burning of debris in a Category B fire must be carried out at least 5 meters from all property lines, buildings, grass shrubs, trees, wooden fences or other combustible material.

5. RECREATIONAL FIRE

- a) Includes a campfire and means of burning of wood for recreational purposes in a permanent outdoor fireplace, barbecue or fire pit not larger than 1 Meter in diameter that is designed and constructed to confine the fire and is suitable for such a purpose. No permit is necessary and burning may occur year round, subject to a burning ban issued by the Coastal Fire Service or the local person having authority.

6. CONTROL OF FIRE

- a) Category A and B fires shall be conducted and concluded between sunrise and sunset of the same day and on designated days during the period after October 15th and before April 15th.
- b) Every owner/occupant must ensure that the fire is continuously supervised and controlled by a person who is at least sixteen (16) years old.
- c) The supervisor must have emergency equipment that is immediately available and must be capable of controlling or putting out the fire to prevent danger, damage and injury to persons or property.

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7. BURNING OF GARBAGE AND NOXIOUS MATERIAL

- a) No person shall burn garbage and/or noxious material in an open fire, in a domestic incinerator or in any similar device.
- b) Attached as Schedule “A” is a list of prohibited materials.

8. INSPECTION AND ORDERS

- a) An Officer may:
 - i. 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 are in compliance;
 - ii. Make orders directing the owners or occupiers of the property or the Supervisor to bring the fire into compliance with the Bylaw.
 - iii. Prevent materials not properly prepared (i.e. dried) from being added to the fire;
 - iv. Call on Conservation Officers if a person is burning waste in contravention of the Waste Management Act, or
 - v. Order the Supervisor to immediately put the fire out.
 - vi. Engage the Fire Department to put the fire out
- b) No person shall obstruct or prevent an Officer from conducting an inspection under this Bylaw.

9. FAVOURABLE WEATHER FOR SMOKE DISPERSION

- a) Unless otherwise directed by an Officer, Category A or B must not be initiated unless the ventilation index is forecasted as: “good” for the period during which the burning is to take place.
- b) Due care and consideration must be employed so that smoke from open burning of debris does not pose a hazard at airports or on District highways by significantly reducing visibility.

10. COST RECOVERY

- a) Every owner/occupant of a property who starts or allows to be started, any outdoor fire or open burning is responsible for such fire. If, in the opinion of an Officer, 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 as calculated by the Reimbursement Rates of the BC Office of the Fire Commissioner. The costs and expenses, including an administration

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charge, may be billed directly to the owner and collected through property taxes if remained unpaid.

11. LIABILITIES FOR DAMAGES

- a) 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:
 - I. Inspections authorized by this Bylaw, or
 - II. the failure to carry out an inspection.

12. SCOPE AND PENALTIES

- a) In the event of there being any conflict between the terms and provisions of this Bylaw and the terms and provisions of the Fire Service Act or the Waste Management Act and regulations there under or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.
- b) Every 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 neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw shall be deemed guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.

13. INCLUSIVITY

In this Bylaw, unless the context otherwise requires, the singular includes the plural, and the masculine includes feminine gender and a corporation.

14. REFERENCE TO ACTS

Any reference in this Bylaw to federal and provincial legislation refers to the Act as it may amend or replace from time to time and to all regulations enacted thereto.

15. SEVERABILITY

If a court of competent jurisdiction declares any part of this Bylaw invalid, then the invalid portion must be severed and the remainder of this Bylaw is deemed valid.

16. ISSUANCE OF BURNING PERMITS

- a) A written permit shall be in the form set out in Schedule 'B' attached hereto, or to like effect, and shall be valid for one day only, during the specified period designated

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under Section 6.a. of this Bylaw. A person shall apply for a separate permit for each day of burning for all Category B Open Fires.

- b) The Fire Chief or his/her designate may withhold or cancel any permit issued where, in his/her opinion, the igniting of a fire may create a hazard or nuisance to persons or property.
- c) If at any time the Fire Chief or his/her designate on account of the existence of hazardous conditions, inclusive of meteorological or ambient air quality conditions, deems it advisable, he/she may suspend for such time as it is necessary, any right to burn granted pursuant to this Bylaw including all or any permits issued pursuant to this Bylaw, or he/she may attach to any or all such permits such conditions and restrictions as deemed proper.
- d) All permits issued pursuant to this Bylaw shall be subject to such conditions, restrictions and provisions as the Fire Chief or his/her designate may consider necessary and expedient to incorporate therein.

17. SCHEDULES

The following schedules are attached to, and forming part of this Bylaw:

Schedule A – Prohibited Material

Schedule B- Residential Outdoor Burning Permit Application

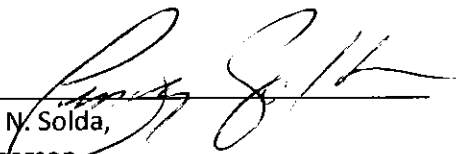
Schedule C- Residential Outdoor Burning Permit

Read a first time this **26th** day of **June**, 2013.


Read a second time this **26th** day of **June**, 2013.

Read a third time the **26th** day of **June**, 2013.

Reconsidered and finally adopted this **26th** day of **June**, 2013.



 Cindy N. Solda,
 Chairperson



 Russell Dyson,
 Chief Administrative Officer

SCHEDULE "A"**BYLAW R1025****PROHIBITED MATERIAL**

The following material must not be included with debris that is open burned:

Animal Organic Waste	Paint
Asphalt Products	Plastic
Battery Boxes	Railway Ties
Biomedical Waste	Rubber Products
Construction Waste	Special Waste
Demolition Waste	Tar
Domestic Waste	Tires
Drywall	Treated Lumber
Hazardous Waste	Waste Petroleum Products
Manure	

Any Prohibited Material as defined in the Open Burning Smoke Control Regulation

SCHEDULE "B"

Bamfield Volunteer Fire Department

**RESIDENTIAL OUTDOOR BURNING PERMIT
APPLICATION**

Date of Application _____

Name of Applicant _____

Address of Applicant _____

Telephone Number _____

Location of Proposed Fire _____

Property Owner/Occupier _____

Date of Proposed Fire _____

Purpose of Proposed Fire _____

Material to be Burned _____

I hereby confirm that I have read and understood the Residential Backyard Burning Bylaw No. R1025 and that the proposed fire, if permitted, will be carried out in accordance with all the regulations of the Bylaw.

Signature of Applicant

Date

An Escaped Fire:

Cost recovery to be determined by the Fire Department

SCHEDULE "C"**Bamfield Volunteer Fire Department
OUTDOOR BURNING PERMIT**

Authority is granted to _____
(the permittee)

Telephone _____

Address: _____

To set and maintain a fire for one day only on the following lands:

(the site address)

for the purpose of:

(type of fire)

for the date of: _____

Subject to the following conditions:

1. The permit holder 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 at least sixteen (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 only dry, combustible garden refuse will be burned.
4. Prior to lighting the fire, the permittee shall ensure that the Ventilation Index is rated as good. (For the Ventilation Index, contact the local media, or the BC Weather Service: 1-900-451-5009).
5. The permittee shall ensure that the fire will be operated between the hours of sunrise to sunset
6. The permittee shall post this permit in a conspicuous location near or at the site where the fire is operated.
7. The permittee is liable for costs associated with fire damage to property or persons, as well as costs incurred by local fire authorities for extinguishing the fire.