

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. R1032

Outdoor Burning Smoke Control Regulation Bylaw

WHEREAS the Regional District of Alberni-Clayoquot is empowered under supplementary Letters Patent dated December 22, 1966 to exercise the powers of the *Municipal Act* relating to air pollution control;

AND WHEREAS Section 325 of the *Local Government Act* gives the Regional District of Alberni-Clayoquot the authority to regulate the emission of smoke and require owners or occupiers of real property to eliminate or reduce the fouling or contaminating of the atmosphere through those emissions;

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

1. AREA

This bylaw shall apply within the boundaries of Electoral Area "A" (Bamfield), Electoral Area "B" (Beaufort), Electoral Area "C" (Long Beach), Electoral Area "D" (Sproat Lake), Electoral Area "E" (Beaver Creek) and Electoral Area "F" (Cherry Creek).

3 DEFINITIONS

"**Campfire**" means an open fire that meets both of the following requirements:

- a) the open fire burns material in one pile no larger than 0.5 m in height and 0.5 m in width;
- b) the open fire is lit, fuelled or used
 - i. by any person for a recreational purpose, or
 - ii. by a First Nation for a ceremonial purpose.

"**Category 2 Open Fire**" means an open fire, other than a campfire, that

- a) burns material in one pile not exceeding 2 m in height and 3 m in width, or
- b) burns stubble or grass over an area that does not exceed 0.2 ha.

"**Category 3 Open Fire**" means an open fire that burns

- a) material concurrently in 3 or more piles each not exceeding 2 m in height and 3 m in width,
- b) material in one or more piles each exceeding 2 m in height or 3 m in width,
- c) one or more windrows, or
- d) stubble or grass over an area exceeding 0.2 ha.

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

"**Demolition Waste**" means any materials resulting from or produced by the complete or partial destruction or tearing down of any structure.

"**Fuel Break**" means a barrier, change in fuel type, change in condition or strip of land that has been modified or cleared to prevent fire spread.

"Heavy Equipment" means crawler tractors, skidders, excavators or other suitable mechanized fire fighting equipment.

"Inspector" means a Bylaw Enforcement Officer, Fire Chief, designated member of a Fire Department or peace officer.

"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 Fire" means any fire that is not vented through a structure that has a flue incorporated in a building.

"Prohibited Materials" includes tires, plastic, rubber products, drywall, demolition waste, domestic waste, construction waste, paint, special waste, animal organic waste, biomedical waste, hazardous waste, tar, tar paper, treated lumber, railway ties, asphalt products, battery boxes, petroleum products, fuel and lubricant containers or any other material which may produce black smoke or noxious odours.

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

"Ventilation Index" means the forecast ventilation index prepared using Environment Canada data.

4. OPEN BURNING

1) Category 2 Open Fires and Category 3 Open Fires are permitted only:

- i. When the ventilation index is rated as 'good', as reported by Environment Canada's Ventilation Index;
- ii. Between March 1 and April 30 inclusive and between September 30 and November 30 inclusive, unless otherwise prohibited by the Province.

2) Category 2 Open Fires permitted under subsection (1) are subject to the following requirements:

- i. Fires limited to:
 - a. debris burned in one pile not exceeding 2 m in height and 3 m in width, or
 - b. stubble or grass over an area that does not exceed 0.2 ha;
- ii. Fires must be located at minimum:
 - a. 2 metres from any shrubs, trees or other combustible materials;
 - b. 5 metres from any building or structure;
 - c. 10 metres from any property line;
- iii. Only one hand-piled fire per parcel of land at any one time;
- iv. Fire-fighting equipment, including a shovel, rake and hose connected to a water source, must be on hand and readily available;
- v. Fires must be during daylight hours only;
- vi. All material burned must originate from the parcel of land where it is burned;
- vii. All material burned must consist of untreated natural wood and brush and must not include any prohibited materials;

- viii. The smoke-release period for any fire must not exceed 72 consecutive hours;
 - ix. The property owner, or designate of the property owner, must ensure that a competent person is present at all times when the fire is burning, for the purpose of controlling and supervising the fire;
 - x. Compliance with all applicable provincial and federal regulations.
- 3) Category 3 Open Fires permitted under subsection (1) are subject to the following requirements:
- i. The property owner, or designate of the property owner, must obtain a Provincial burn registration number and any other required approval from the Province for the Category 3 Open Fire;
 - ii. Fires limited to:
 - a. debris burned in three or more piles each not exceeding 2 m in height and 3 m in width,
 - b. debris burned in one or more piles each exceeding 2 m in height or 3 m in width,
 - c. one or more windrows, or
 - d. stubble or grass over an area exceeding 0.2 ha;
 - iii. Fires must be located at minimum:
 - a. 5 metres from any shrubs, trees or other combustible materials;
 - b. 10 metres from any building, structure or property line;
 - iv. Fire-fighting equipment, including heavy equipment and hose connected to a water source, must be on hand and readily available;
 - v. Fires must be during daylight hours only;
 - vi. All material burned must originate from the parcel of land where it is burned;
 - vii. All material burned must consist of untreated natural wood and brush and must not include any prohibited materials;
 - viii. Establishment of a fuel break surrounding the fire;
 - ix. The smoke-release period for any fire must not exceed 72 consecutive hours;
 - x. The property owner, or designate of the property owner, must ensure that a competent person is present at all times when the fire is burning, for the purpose of controlling and supervising the fire;
 - xi. Compliance with all applicable provincial and federal regulations.
- 4) Campfires are permitted at any time, unless otherwise prohibited by the Province, subject to the following requirements:
- i. Fires limited to one pile no larger than 0.5 m in height and 0.5 m in width;
 - ii. Fire must be located:
 - a. within a permanent outdoor fireplace or fire pit that is designed and constructed to confine the fire;
 - b. a minimum of 5 metres from any building, structure or property line;
 - iii. Fire-fighting equipment, including a shovel, rake and hose connected to a water source, must be on hand and readily available;
 - iv. All material burned must consist of untreated natural wood and brush and must not include any prohibited materials;
 - v. The property owner, or designate of the property owner, must ensure that a competent person is present at all times when the fire is burning, for the purpose of controlling and supervising the fire;
 - vi. Compliance with all applicable provincial and federal regulations.

5. EXCEPTIONS

- 1) Nothing in this bylaw restricts or prohibits:
 - i. A fire contained within a barbeque or appliance designed to cook food;
 - ii. Fires started and maintained by Alberni-Clayoquot Regional District staff, fire services personnel and emergency services personnel in the course of their duties;
 - iii. Any person undertaking open burning as part of “normal farm practices” as defined in the *BC Farm Practices Protection Act*;
 - iv. Any person undertaking open burning as part of “forest practices” as defined in the *BC Forest and Range Practices Act* or forest practices on land managed under the *Private Managed Forest Land Act*, Crown Land and any Alberni-Clayoquot Regional District land used for forestry purposes;

6. INSPECTION AND ORDERS

- 1) An Inspector may enter and inspect any premises in which burning is being conducted at all reasonable times, for the purpose of determining compliance with this bylaw.
- 2) An Inspector may order the extinguishment of any fire that is in violation of this bylaw.
- 3) An Inspector may prevent prohibited materials from being added to any fire.
- 4) No person shall interfere with or obstruct an Inspector in carrying out their duties pursuant to this bylaw.

7. OFFENCE

Any person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act to be done in contravention of this bylaw, commits an offence and shall be liable upon conviction to a fine not more than the maximum prescribed in the *Offence Act*, as amended from time to time.

9. LIABILITY

This bylaw shall not create a duty or responsibility for the Alberni-Clayoquot Regional District, its officers, employees, Inspectors or persons acting on its behalf pursuant to this bylaw, concerning enforcement or failure to enforce any provision contained within this bylaw.

8. SEVERABILITY

If any section or lesser portion of this bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the bylaw.

9. REPEAL

Bylaw R1025, cited as the “Bamfield Residential Backyard Burning Bylaw No. R1025, 2013” is hereby rescinded.

10. TITLE

This bylaw may be cited as the "Outdoor Burning Smoke Control Regulation Bylaw R1032, 2019"

Read a first time this 12th day of June, 2019

Read a second time this 12th day of June, 2019

Read a third time this 12th day of June, 2019

ADOPTED this day of , 2019

Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

Chairperson of Regional Board