

CITY OF CASTLEGAR

BYLAW 905

A bylaw to provide regulations for open air burning.

WHEREAS pursuant to the Municipal Act, Council may, by bylaw, establish regulations for the purpose of protection of persons and property from fire;

AND WHEREAS pursuant to the Municipal Act, Council may, by bylaw, impose a fee or charge payable in respect of all or part of a service or regulatory scheme of the municipality;

NOW THEREFORE the Council of the City of Castlegar, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as the "City of Castlegar Open Air Burning Bylaw No. 905, 2000".

2. DEFINITIONS:

In this Bylaw, unless context otherwise requires:

2.1 "Demolition waste" means any material resulting from or produced by the complete or partial destruction or tearing down of any structure.

2.2 "Domestic waste" means household material and food waste but does not include newspaper and cardboard.

2.3 "Fire Chief" means the member appointed by Council, as head of the Fire Department, and shall be deemed to be a Municipal Officer as defined in the Municipal Act.

2.4 "Municipality" means the City of Castlegar.

2.5 "Open air 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.

2.6 "Prohibited materials" include: tires, plastic, drywall, demolition

waste, construction waste, paint and paint products, treated lumber, asphalt, asphalt products, rubber, fuel and lubricant containers, biomedical waste, tar paper, railway ties, manure or any other material defined as prohibited by the Province of BC Ministry of Environment.

3. ADMINISTRATION:

- 3.1 Every owner or occupier shall obtain a permit or licence as required by this bylaw in addition to any permit or licence required under any other bylaw of the Municipality.
- 3.2 Such permit shall not take the place of any licence required by any other Federal or Provincial statute or regulation and all open air burning shall be conducted in accordance with all applicable Federal and Provincial Regulations.
- 3.3 A permit shall not be transferrable and any change in use, date or premises shall require a new permit.
- 3.4 Before a permit may be issued, the Fire Chief or designate may inspect the location and/or property where the burn is proposed.
- 3.5 A permit shall be required in conformance with this Bylaw;
- 3.6 Permit fees for each open air burning permit shall be as prescribed in "Schedule A" of this Bylaw.
- 3.7 Applications for an Open Air Burning Permit shall be made in the form prescribed in "Schedule B" of this bylaw.
- 3.8 applications for a Commercial/Light Industrial Permit shall be made in the form prescribed in "Schedule C" of this bylaw.
- 3.9 Every person or company who is conducting open air burning shall place or keep a competent adult person at all times in charge while the fire is burning or smouldering and until the fire is completely extinguished shall provide that person with sufficient and adequate fire-fighting appliances, equipment and water supply as is required in order to prevent the fire from becoming a nuisance, getting beyond control, causing damage or becoming a danger to life and/or property.

4. PERMITS:

4.1 **Open Air Burning Permit**

An Open Air Burning Permit is required for the following:

- (a) open air burning of trees, slash or any materials related to the preparation and/or cleanup of a building or development site, logging operation or industrial application; provided however that the Fire Chief or designate may, at their discretion, impose any conditions on such permit that is deemed necessary in the interest of safety and protection of the environment;
- (b) the removal of a fire hazard;
- (c) the purpose of destroying foliage that cannot be removed from the property;
- (d) to allow a responsible adult an outdoor fire for the purpose of public display. (*Bylaw 1170*)

4.2 **Conditions of Permits:**

4.2.1 Proper fire-fighting equipment must be on hand whenever an outdoor fire is started.

4.2.2 The equipment shall consist of shovels, garden hoses connected to a water supply, rakes or other equipment as required by the Fire Chief upon issuance of the permit.

4.2.3 All open air burning shall be of a size as to be under control at all times;

4.2.4 All open air burning shall be a minimum distance of 4 metres from any property line or building unless otherwise specified;

4.2.5 All open air burning shall be conducted only during daylight hours.

4.3 The open air burning of slash and/or industrial waste shall only be allowed in those areas of the City designated RR1 and Heavy Industrial by the City of Castlegar Zoning Bylaw.

4.4 The Fire Chief or designate may refuse to issue a permit whenever, in his opinion, such burning would likely be hazardous or create a nuisance.

4.5 Every effort shall be made by the owner or occupier of the property for reducing, reusing or recycling the debris to minimize the amount of debris proposed for open air burning.

4.6 Commercial/Light Industrial Permit

4.6.1 The Fire Chief or designate may issue an annual burning permit for those instances which may justify such a permit such as logging or industrial applications.

4.6.2 The fee for an annual permit which allows a maximum of four burns per calendar year shall be as prescribed in "Schedule A" of this Bylaw. Each burn shall be of a duration of no more than 72 hours.

4.7 Revoking A Permit:

The Fire Chief or designate may revoke a permit issued under this Bylaw where there is:

- (a) a violation of any condition under which the permit was issued;
- (b) a violation of any requirement of this Bylaw or any other regulation;
- (c) during a period when a burning prohibition is in effect;
- (d) any other condition or circumstance determined to be unsafe or create a nuisance.

4.8 Open Air Burning Permit is not required for the following purposes:

- (a) outdoor barbeques;
- (b) outdoor fire pits used solely for recreational or cooking purposes;
- (c) necessary municipal burning;
- (d) open air burning for fire department training purposes.

4.9 Permits and Licenses shall be made available for inspection by the Fire Chief or designate upon request.

5. PROHIBITION:

5.1 The Fire Chief or designate may issue a prohibition of all open air burning within the Municipality;

- (a) due to weather conditions being such that open air burning could increase the threat of danger to life or property;
- (b) due to any other condition that in the opinion of the Fire Chief or designate could increase the danger to life or property.

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- 5.2 No person or company shall burn prohibited material.
- 5.3 No person or company shall light, ignite or start, or allow, or cause to be lighted, ignited or started a fire of any kind in the open air, except those listed in Section 4.8, without first obtaining a permit.
- 5.4 No person or company shall light, ignite or start, or allow, or cause to be lighted, ignited or started a fire of any kind in the open air during those times a burning prohibition has been issued.
- 5.5 No person or company shall allow or cause to allow a fire to:
- (a) burn without a competent adult person in charge at all times while the fire is burning or smouldering;
 - (b) burn without providing sufficient and adequate fire-fighting appliances, equipment and water supply as is required to effectively deal with that fire;
 - (c) become a nuisance;
 - (d) get beyond control, cause damage or endanger life and/or property.
- 5.6 No person or company shall light, ignite or start, or allow, or cause to be lighted, ignited or started a fire of any kind for the purpose of the burning of residential yard and/or garden waste, including the burning of yard and/or garden waste in a burning barrel, except as permitted under Section 4.1(b) and (c). **(Bylaw 1170)**

6. ENFORCEMENT AND PENALTIES:

- 6.1 Every person who violates any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by provision of this bylaw, shall be guilty of an infraction thereof, and upon summary conviction therefore, shall be liable to a fine and penalty not exceeding two thousand dollars (\$2,000.00), or in the alternative, to imprisonment for a period of time not exceeding six (6) months,
- 6.2 In addition to the penalties which may be imposed under Section 18 of this Bylaw and/or those fines stipulated in the City of Castlegar Municipal Ticketing Bylaw, any person, organization or company who breaches any part of this Bylaw and thereby causes the Municipality any direct or indirect expenses to remedy the breach shall, upon demand of the Municipality, reimburse the Municipality for all such expenses.

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- 6.3 The rates for equipment and personnel shall be the same as those rates stipulated by the Province of B.C. Ministry of Forests forest fire fighting rates.
- 6.4 In the case of a minor, the parent(s) or guardian of that minor may be held responsible.
- 6.5 If any section, subsection, sentence, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this bylaw.

7. REPEAL:
Bylaw 354 is repealed on the date this bylaw comes into effect.

8. EFFECTIVE DATE:
This bylaw shall be deemed effective upon adoption.

READ A FIRST TIME this 14th day of August, 2000.

READ A SECOND TIME this 18th day of September, 2000.

READ A THIRD TIME this 5th day of March, 2001.

READ A FOURTH AND FINAL TIME this 19th day of March, 2001.

<u>List of Amending Bylaws</u> 980 April 13, 2004 1170 January 7, 2013

Mike O'Connor
Mayor

Dianne Hunter
City Clerk

Note to Users

This office consolidation is not an authoritative text of the law and is produced solely as a convenience to the user. The authoritative text of the law is in the original bylaw and the amending bylaw(s).

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Schedule "A"

OPEN AIR BURNING FEES

- a) For each open air burning permit issued for the purposes of the removal of a fire hazard or destroying foliage that cannot be removed from the property, in a residential zoned area, a fee of twenty-five (\$25.00) shall be paid for each day of burning.
- b) For each open air burning permit of vegetative debris or allowable industrial waste in an RR-1 or Heavy Industrial zoned area, a fee of one hundred dollars (\$100.00) shall be paid for each burn.
- c) For each annual (calendar year) open air burning permit a fee of two hundred and fifty dollars (\$250.00) shall be paid.

(Bylaw 1170)

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Schedule B

BURNING PERMIT
RESIDENTIAL/LIGHT INDUSTRIAL

Individual Burn Use Only

This permit is subject to the terms and conditions as outlined herewith:

1. This permit is valid only for the parcel of land as described below and is not transferable to any other property or person.
2. This permit shall not contravene Ministry of Environment nor City of Castlegar regulations.
3. The holder of this permit acknowledges that the burn is restricted to:
 - a. daylight hours only for burning on a residential lot for the purpose of removal of a fire hazard or destroying foliage that cannot be removed from the property. (**Bylaw 1170**)
4. The holder of this permit acknowledges that the fire will be under control at all times with a person on-site and the fire will be worked on a continual basis so as to reduce smoke emissions.
5. A 24 hour contact telephone number may be required to be provided by the permit holder.
6. Depending upon location, size of the burn, season, etc. the Fire Chief reserves the right to advertise the proposed permit up to 7 days prior to the start of the fire.
7. The holder of this permit acknowledges that the Fire Chief or his designate has the authority to cancel the permit and order the fire to be extinguished. The permit holder will immediately take action to extinguish the fire and such costs will be the sole responsibility of the permit holder.
8. The permit holder will provide an adequate water supply and firefighting equipment on-site during the burn period.
9. The permit holder acknowledges and accepts financial responsibility for any costs accrued by the Fire Department should it be necessary, in the opinion of the Fire Chief or designate, that the Department mobilize a response to the burn. The rates for equipment and personnel shall be as stipulated by the Province of British Columbia Ministry of Forests forest firefighting agreement.

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10. This permit shall not preclude any conditions required by the Province of BC or any Federal agency.
11. This permit may be revoked by the Fire Chief for non-compliance of the above or if in the opinion of the Fire Chief, the burn presents a fire danger or health hazard.
12. This permit is valid during the period of _____ to _____

I, _____, of _____

(Print) FULL NAME

(Print) CIVIC ADDRESS

City of Castlegar, do hereby agree to the above terms and conditions and do accept full responsibility for the fire and agree this permit is non-transferable to other persons and/or property.

DESCRIPTION OF MATERIAL TO BE BURNED:

LOCATION OF BURN:

CIVIC ADDRESS: _____

Signature of Property Owner

Fire Chief or Designate

Date of Issue

___ \$25.00 per day for permitted burning on a residential lot (**Bylaw 1170**)

___ \$100.00 per burn period for anything other than permitted burning on a residential lot
Bylaw 1170)

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Schedule C

BURNING PERMIT
COMMERCIAL/LIGHT INDUSTRIAL PERMIT

Annual Permit

This permit is subject to the terms and conditions as outlined herewith:

1. This permit is valid only for the parcel of land as described below and is not transferable to any other property or person.
2. This permit shall not contravene Ministry of Environment regulations (attached hereto and forming part of this permit) nor the City of Castlegar Fire Regulations Bylaw (attached hereto and forming part of this permit).
3. The holder of this permit acknowledges that pursuant to provincial regulations, the burn is restricted to a 72 hour time limit.
4. The holder of this permit acknowledges that the fire will be under control at all times with a person on-site and the fire will be worked on a continual basis so as to reduce smoke emissions.
5. A 24 hour contact telephone number will be provided by the permit holder.
6. Depending upon location, size of the burn, season, etc., the Fire Department reserves the right to advertise the proposed permit up to 7 days prior to the start of the fire.
7. The holder of this permit acknowledges that the Fire Chief or his designate has the authority to immediately cancel the permit and order the fire to be extinguished. The permit holder will immediately take action to extinguish the fire and such costs will be the sole responsibility of the permit holder.
8. The permit holder will provide a water supply and adequate firefighting equipment on-site during the burn.
9. The permit holder acknowledges and accepts financial responsibility for any costs accrued by the Fire Department should it be necessary, in the opinion of the fire chief or his designate, that the Department mobilize a response to the burn. The rates for equipment

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and personnel shall be as stipulated by the Province of British Columbia, Ministry of Forests forest fire fighting rates.

10. The permit holder shall not ignite the burn until:
 - a. verbal approval has been received from the Fire Chief or his designate;
 - b. the venting index is satisfactory and pursuant to the Ministry of Environment regulations.
11. This permit authorizes a maximum of 4 burns per year on the property legally described below.
12. This permit shall not preclude any conditions required by the Province of British Columbia or a federal agency.
13. The permit is valid until December 31 of the current year.
14. This permit may be revoked by the Fire Chief for non-compliance of the above or if in the opinion of the Fire Chief, the burn presents fire danger or health hazard.

I, _____, of _____
(Print) FULL NAME **(Print) CIVIC ADDRESS**

City of Castlegar, do hereby agree to the above terms and conditions and do accept full responsibility for the fire and agree this permit is non-transferable to other persons and/or property.

LOCATION OF BURN:

LEGAL DESCRIPTION: _____

CIVIC ADDRESS: _____

Signature of Property Owner

Fire Chief or Designate

Date of Issue

___ \$250.00 Annual Permit Fee

