

VILLAGE OF RADIUM HOT SPRINGS

Bylaw No. 436, 2017.

Being a Bylaw to regulate open burning within the Village of Radium Hot Springs.

WHEREAS the Council of the Village of Radium Hot Springs wishes to adopt a bylaw to regulate open burning within the municipal boundaries so as to protect property and health, and to insure safe burning;

NOW THEREFORE the Village of Radium Hot Springs, in open meeting assembled, enacts as follows:

1. Interpretation:

(1) In this bylaw:

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

“Approval” or “approved” means acceptance as satisfactory to the Fire Chief or designate, of the Village of Radium Hot Springs Volunteer Fire Department, or meeting the specifications contained within this bylaw, and;

“Clean” construction or demolition waste means untreated or unpainted wood only, and;

“Construction Waste” means any material resulting from or produced by the construction or renovation of any structure, and;

“Council” means the Municipal Council of the Village of Radium Hot Springs, and;

“Debris” means disturbed or undisturbed vegetative matter targeted for management or disposal by open burning, and;

“Demolition Waste” means any material resulting from or produced by the complete or partial destruction or tearing down of any structure, and;

“Designate” means a member of the Village Volunteer Fire Department, appointed in writing by the Fire Chief, to administer this bylaw, and a duly appointed bylaw enforcement officer of the Village, and;

“Domestic Incinerator” means any metal or masonry container equipped with a tight fitting wire screen lid of a mesh not greater than 1 centimeter to restrict any sparks or flying debris. An outside chimnia with a chimney 2 meters in height or less is considered a domestic incinerator. Burning within a domestic incinerator is classified as open burning, and;

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

“Fire Chief” means the person appointed by Council to be in charge of both the Fire Department and the firefighters of the Village of Radium Hot Springs, and;

“Firefighter” means a member of the Fire Department of the Village of Radium Hot Springs, and;

“Garden Refuse” means vegetative matter including leaves, plant shoots and stems, foliage, prunings, weeds, and crops from domestic and residential sources, and;

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

“Incinerator” means a combustion device specifically designed for the controlled high temperature burning of waste materials and equipped with a stack or chimney for discharge of contaminants (smoke) to the atmosphere, and does not include an outdoor “domestic Incinerator” as defined above, and;

“Large scale burning” means any burning exceeding 0.5 meters in diameter and 0.5 meters in height, or, in the case of grass burning, exceeding 25 square meters in area, and;

“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, and;

“Open Burning” means the combustion of material, in a location external to a building, and usually without control of the combustion air or combustion temperature. Open burning does not include propane or charcoal fires contained within barbecues and hibachis specifically for the purpose of cooking food, and;

“Order” means any order, decision, requirement or direction given by the Fire Chief or his/her designate or a bylaw enforcement officer of the Village, and;

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

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

“Village” means the Corporation of the Village of Radium Hot Springs.

- (2) Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual.

2. Citation:

This bylaw may be cited for all purposes as “Open Burning Bylaw No. 436”.

3. Application:

- (1) No person, except a member of the Village Fire Department or an employee of the Municipality, and in the course of their duties or employment, shall make or light any fire in any highway allowance, park, municipal property, or other public place within the Municipality, except as so authorized by the Fire Chief or designate, or within an approved fire pit as designated in Schedule ‘A’ attached to and forming part of this bylaw.
- (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, with the exception of into an approved and supervised “domestic incinerator”, “open burning” site, or “large scale burning” site.
- (3) No person shall light, ignite, start or knowingly permit or cause to be started or ignited, or continue, any burning in the open air for any purpose, except in an approved and supervised “domestic incinerator”, “open burning” site, or “large scale burning” site, and provided that any applicable burning restrictions are complied with.
- (4) No person shall permit any accumulation of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind, to be or remain upon any roof or in any yard, vacant lot or open space. All brush, vines or other growth liable to catch fire and endanger property shall be cut down and removed by the owner or occupant of the property on which the growth is located. If not complied with, the Fire Chief or designate may cause the work to be completed and bill the owner for the costs. These costs and expenses may be recovered from the owner together with any administration costs in like manner as municipal taxes.
- (5) Large scale burning in the open air, of cut and piled brush, slash, grass and other organic materials resulting from the clearing of land, or, of clean construction or clean demolition waste materials, may occur 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, and;
 - (b) That such burning shall not be carried out within 50 meters from any building, structure, or standing timber or any other flammable or combustible material, and;
 - (c) That such burning shall only be carried out from Monday to Friday inclusive in any week, and;
 - (d) That no pile of burning material shall exceed 5 meters in diameter and 3 meters in height, and;
 - (e) That no such burning shall be carried out where, due to climatic conditions or other hazards, it would be unsafe to do so, or if a partial or complete fire ban has been imposed by the Fire Chief.
- (6) No burning of noxious materials is permitted.
- (7) Charcoal, natural gas, or propane gas fires, contained within barbecues or other approved appliances for the sole purpose of cooking food is permitted.
- (8) Small scale open burning on private property may occur 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 a readily accessible water supply, and equipment to prevent the fire from becoming dangerous to life or property, and;
 - (b) That such burning shall not be carried out within 5 meters from any building, and 3 meters from any property line, standing timber or any other flammable or combustible material, unless contained within a 'domestic incinerator' type structure designed and approved for closer distances to combustibles, and;
 - (c) That no such burning shall be carried out where, due to climatic conditions (i.e. wind) or other hazards, it would be unsafe to do so, or if a partial or complete fire ban has been imposed by the Fire Chief, and;
 - (d) That no pile of burning material shall exceed 0.5 meters in diameter and 0.5 meters in height, with the exception of grass burning in which the maximum area burning shall be 25 square meters, and;
 - (e) That such burning is located in an area that is safe from any fire hazards and that smoke from the open burning does not interfere with any neighbour's right to a smoke free environment.
- (9) No person shall discharge, propel, point or throw any fireworks at any person, animal, vehicle, building, forested area or structure. Except as approved by the Fire Chief or designate, no person shall explode any fireworks on any highway, street, park, playground, school grounds, forested area or any other public place within the municipality.
- (10) Wildfire interface prevention burning (prescribed burns) may occur only as approved by the Fire Chief and Council, and under such conditions and restrictions as the Fire Chief and Council imposes.
- (11) Persons causing any open burning are entirely responsible for any damage whatsoever caused by such burning. Burning of any material in accordance with this bylaw shall not absolve any person from liability for any damage, which may result from any fire started pursuant to this bylaw.

- (12) Where, in the opinion of the Fire Chief or designate, hazardous fire conditions exist, the Fire Chief or designate may, by written order, ban, suspend, or limit any authority for any person to engage in any burning. Every such order shall be effective as of the date of issue and shall remain in effect until rescinded by the Fire Chief in writing. These orders shall be posted in the Village Office.
- (13) 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 eliminating hazards.

4. Inspection and Orders:

The Fire Chief or designate, including a Bylaw Enforcement Officer may:

- (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, and;
- (2) Make orders directing the owners or occupiers of property to bring the fire into compliance with this Bylaw, and;
- (3) Prevent material not properly prepared (i.e. dried) from being added to a fire, and;
- (4) 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 or designate, 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 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 Village 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. Violation and Enforcement:

- (1) Any person who:
 - (a) violates or who causes or allows any of the provisions of this Bylaw to be violated, or;
 - (b) fails to comply with any of the provisions of this Bylaw or applicable statute, or;
 - (c) neglects or refrains from doing anything required under the provisions of this Bylaw, or;
 - (d) obstructs, or seeks or attempts to prevent or obstruct a person who is involved in the execution of duties under this Bylaw,

is deemed to have committed an infraction of, or an offence against, this Bylaw and is liable on summary conviction under the Offence Act to the maximum penalties provided for under law or to minimum fines as detailed in Schedule “B” of this Bylaw, and each day that such a violation is caused, or allowed to continue, constitutes a separate offence.

- (2) In addition to the remedies available in Section 8.1 of this Bylaw, the Village shall have the right to deal with infractions of, or offences against this Bylaw, in any lawful manner available to the Village, including, but not limited to, the Municipal Ticket Information Process.

9. **Effective Date:**

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

10. **Repeal:**

The Village of Radium Hot Springs “Open Burning” Bylaw No. 297, 2005 is hereby repealed.

Read a first, second and third time this 16th day of August, 2017.

Reconsidered and adopted this 13th day of September, 2017.

Mayor

Clerk

Hereby certified as a true copy of Bylaw No. 436, 2017.

Clerk

SCHEDULE ‘A’ TO BYLAW NO. 436

Municipally approved fire pits as per section 3.1 of this bylaw:

- (a) Two existing fire pits (steel circle construction) located in the municipal park adjacent to the outdoor rink and community hall.

SCHEDULE ‘B’ TO BYLAW NO. 436

The minimum fine, under the Municipal Ticket Information process, for a single infraction against this bylaw, shall be \$100.00.