



CORPORATION OF THE DISTRICT OF TOFINO

Outdoor Burning Bylaw No. 1071, 2008

Consolidated for Convenience Only

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

Amendment Bylaw	Effective Date
Bylaw No. 1108, 2010	February 9, 2010
Bylaw No. 1071.02, 2021	May 11, 2021

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 1071 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 1071 and all amending bylaws must be consulted.

Bylaw numbers appearing in the margin of this consolidated version refer to the applicable amendment bylaw.

District of Tofino Outdoor Burning Bylaw No. 1071, 2008

**DISTRICT OF TOFINO OUTDOOR
BURNING BYLAW BYLAW NO.
1071, 2008**

**A Bylaw to establish Fire Prevention and regulate Outdoor Burning
within the District of Tofino.**

WHEREAS Council has decided to reduce the amount of outdoor burning allowed in the municipality by introducing a chipping program for residential garden waste, in an effort to improve the air quality, reduce the number of burning complaints and uphold the environmental and waste management policies within the Official Community Plan;

The Council of the District of Tofino, in the Province of British Columbia, in an open meeting assembled Hereby Enacts as Follows:

1. **Title**

This bylaw shall be known and cited for all purposes as the "District of Tofino Outdoor Burning Bylaw No. 1071, 2008".

2. **Definitions**

In this bylaw:

Accelerant - means any substance which increases the rate of combustion of a fire, rapidly expands a fire, or rapidly starts a fire, including but not limited to gasoline, butane, alcohol, and commercial fire starter products.

Beach Fire - means any Outdoor Fire lit for the purpose of warmth, cooking, enjoyment or ceremonial purposes located at any beach.

Beach Material - means any natural material found on the foreshore or beach.

Building Inspector- means that employee appointed by Council as the Building Inspector for the District.

Bylaw Enforcement Officer - means that employee appointed by Council to enforce the regulations of this bylaw.

Campfire - means an outdoor fire started, maintained, or gathered around or near for warmth, enjoyment, or cooking.

Clean Burning or Reduced Smoke Fire Appliance – means a contained burning appliance that uses fuel such as propane or burns dry firewood and no other noxious materials, raised off the ground with air introduced either mechanically or through ventilation openings to increase the heat and rate of burn and leaves little contamination while consuming fuel.

Clearing waste – means waste resulting from the clearing of land, brush clearing, tree clearing, stump removal, or from agricultural operations.

Clearing waste fire - means the burning of waste resulting from the clearing of land, brush clearing, tree clearing, stump removal, or from agricultural operations.

Construction waste - means waste resulting from the construction or demolition of a building or structure.

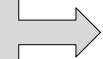
Construction waste fire - means the burning of waste resulting from the construction or demolition of a building or structure.

Cooking Fire - means an outdoor fire that uses charcoal or gas as a fuel; and is started, and

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maintained in a barbeque, hibachi or other contained cooking device; and is used for cooking purposes.

Council - means the Council of the District of Tofino.

District - means the Corporation of the District of Tofino.

Explosive - means gunpowder, nitroglycerine, gun cotton, dynamite, blasting gelatine, fulminate of mercury, or other metals, coloured fires, and every other substance whether chemical compound or mechanical mixture, used or manufactured with a view to produce a violent effect by explosion or a pyrotechnic effect and shall include fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every other adaptation or preparation of an explosive.

Fire Chief - means the member appointed by Council, as the head of the Fire Department.

Garbage - means all household and commercial waste or refuse.

Incinerator - means a receptacle or structure serving as a furnace or other arrangement for burning things, which is entirely enclosed with a chimney and burns at a higher rate than normal.

Noxious Material - means any substance which produces heavy dark smoke, noxious odours, toxic residue, or poses a health risk in any other way. This includes but is not limited to: tires, oil, tar, asphalt, batteries, plastic, and rubber.

Occupant - means the owner, tenant, lessee, agent, licensee, and any other person who has the right of access to and control of any land, building, or premises to which any of the provisions of this bylaw apply.

Outdoor Fire - means a fire where the products of combustion from the fire are not conveyed to and disposed of by means of a chimney constructed and maintained in accordance with the regulations made pursuant to the Fire Code and the Province of British Columbia Building Code, and amendments thereto.

Trade waste - means refuse, waste, superfluous materials, and abandoned materials resulting from the operation or undertaking of an industry, trade or business.

Trade waste fire - means the burning of refuse, waste, superfluous materials, and abandoned materials resulting from the operation or undertaking of an industry, trade or business.

Yard - as defined in the *District of Tofino, Zoning Bylaw #770, 1997*.

Yard waste - means refuse, waste, superfluous materials, and abandoned materials resulting from the operation or undertaking of landscaping, grass cutting or other yard work.

Yard waste fire - means the burning of refuse, waste, superfluous materials, and abandoned materials resulting from the operation or undertaking of landscaping, grass cutting or other yard work.

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3. General Conditions

This bylaw shall apply to all areas within the jurisdiction of the District.

3.1. No person shall:

- a.) burn any garbage, refuse, animal organic waste, trade waste, construction waste, noxious material or beach material that would produce a noxious odour, a noxious smoke, or pose a health hazard;
- b.) use any explosive or accelerant to start, maintain, or enhance a fire;
- c.) except as otherwise authorized in this bylaw, light, maintain, or gather around or near any outdoor fire, throw or place any lighted match, cigarette or similar thing in any manner, on any combustible material or within any park, beach, highway, boulevard or other District owned property;
- d.) start, maintain, or gather around or near any outdoor fire when, at the discretion of the Fire Chief or a Bylaw Enforcement Officer, written notice has been published in a newspaper circulating in the District or signage has been posted in or around the area stating that conditions are such that no outdoor fires are allowed;
- e.) start, maintain, or gather around or near any outdoor fire on Cox Bay;
- f.) extinguish a fire using anything other than water unless in an emergency;
- g.) cover or hide any fire with sand or other materials which could cause injury to a person coming into contact with said materials;
- h.) start or maintain a fire for the purposes of burning garbage, refuse, trade waste, clearing waste, or construction waste except within an incinerator and in accordance with this bylaw; or
- i.) operate an Incinerator on any beach within the District of Tofino without written permission of the Fire Chief.

3.2. Unless exempted under Sections 4, 5, or 6 of this Bylaw, no person shall burn any substance for any purpose in the open air or in any portable incinerator or other portable appliance in the open air. Burning of residential waste, including both household and yard materials, is strictly prohibited in the open air.

3.3. Except outdoor fires expressly permitted by this bylaw, no owner, manager, or occupier of property shall permit any person to start or maintain an outdoor fire on any property he or she owns, manages, or occupies.

3.4. Every person who starts, maintains, or gathers around or near any outdoor fire must:

- a.) ensure that an adequate supply of water and all equipment needed to completely extinguish the fire is readily available on site;
- b.) ensure that at all times the fire is supervised by a competent person of 16 years of age or older for the purposes of supervising, controlling, and extinguishing the fire;
- c.) ensure that at all times the fire is kept under control;
- d.) ensure that the fire is completely extinguished prior to leaving the fire unattended

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for any period of time;

- e.) ensure that the fire does not burn between 11:00 pm and 6:00 am; and
- f.) ensure that the fire is located:
 - i.) within 40 meters of a location accessible to fire department equipment and vehicles;
 - ii.) at least 3 meters from any vegetation, beach material, buildings, structures, overhead wires, vehicles, or any other combustible materials.

4. Regulated Fires

The following types of outdoor fires may be started, maintained, or serve as a point around/near which persons may gather:

- a.) Cooking fires contained within a barbecue;
- b.) Fires started and maintained by the District of Tofino Volunteer Fire Department for training purposes or to prevent the commencement or spread of fire;
- c.) incinerators; and
- d.) campfires.
- e.) beach fires.

5. Incinerators

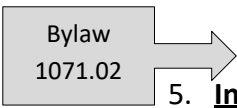
The owner of an incinerator shall ensure:

- a.) operating with written approval by the building inspector;
- b.) that the incinerator is maintained in a condition that provides for the proper combustion of any material burned;
- c.) that while in use the occupant or some other person appointed by him shall supervise the burning at all times and ensure that any equipment necessary for fire control is readily available and telephone facilities are immediately available to call upon the fire department for assistance; and
- d.) that the incinerator is located at least:
 - i.) 3 meters from any vegetation or other combustible materials;
 - ii.) 7.6 meters from any building or structure.

6. Campfires

No person shall start, maintain, or gather around or near:

- a.) any campfire located in or around a school property, community centre, cemetery, public works facility, mud-flat, quarry, playground, skateboard park, sporting facility or field, highway, parking lot, pathway, trail, access route, or right of way;
- b.) any campfire located on private property unless the property is a designated campground or within an area designated for campfires by the property owner; without express written permission of the owner.
- c.) any campfire where prohibited by signage;
- d.) any campfire between 11:00pm and 6:00am;



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- e.) any campfire larger than 0.6 meters in diameter;
- f.) any campfire consuming beach material; and
- g.) any campfire consuming garbage, refuse, noxious material, or any other material other than wood.

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6.1 Beach Fires

No person shall start, maintain, or gather around or near:

- a.) any Beach Fire not contained within a clean burning or reduced smoke fire appliance;
- b.) any Beach Fire between 10pm and 8am.

7. Residential Indoor Burning

The indoor burning of residential waste, including but not limited to household and yard materials, is prohibited. Only seasoned firewood and clear construction material, which does not contain painted, treated, or adhesive materials, may be burned within residential fireplaces and woodstoves.

8. Open Air Burning Prohibited

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Outdoor fires, including, but not limited to; construction waste fires, clearing waste fires; yard waste fires; trade waste fires; other than those listed in section 7 are hereby banned and illegal, unless approval in form of a resolution of Council in open meeting has been given and is immediately available for inspection.

9. Bylaw Enforcement Officer

For purposes of this bylaw, the Bylaw Enforcement Officer means any of the following:

Director of Development Services of the District of Tofino;
Bylaw Enforcement Officer of the District of Tofino;
Building Inspector of the District of Tofino;
Superintendent of Public Works of the District of Tofino;
Fire Chief of the District of Tofino;
RCMP Officers;
RCMP Auxiliary Officers;
or their duly appointed designate.

9.1. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.

9.2. The Bylaw Enforcement Officer is authorized and empowered to enter on any property which is subject to this bylaw to ascertain whether the regulations in this bylaw or directions made under this bylaw are being observed.

9.3. The Bylaw Enforcement Officer is authorized and empowered to order any person he or she believe to have started, maintained, or gathered around or near any fire that is in violation of this or any other bylaw, or any fire which he or she feels is unsafe, to:

- a.) immediately and completely extinguish any fire;
- b.) remove any or all materials from or near a fire to such a place that satisfies the bylaw enforcement officer; and
- c.) immediately take any other action which he or she believes is required to meet the requirements of this bylaw or ensure the safety of persons and property.

9.4. No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his duties as prescribed in this bylaw.

10. Municipal Ticketing Information

This Bylaw is enforceable by MTI as prescribed in Schedule 2 of the *District of Tofino, Municipal Ticket Information System Bylaw No. 987, 2005*.

11. Offences

11.1 Every person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out, or perform a duty or obligation imposed by this bylaw, shall be deemed to have committed an offence against this bylaw and:

- a) shall be liable to a fine set out in the District of Tofino Municipal Ticket Information System Bylaw No. 1088, 2009 as amended from time to time; or
- b) shall be liable to a penalty set out in the District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2009 as amended from time to time; or
- c) shall be liable, upon summary conviction, to the penalties provided under the Offence Act and amendments thereto; or
- d) any combination of 10 a), b), and c).

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11.2 If the District of Tofino Volunteer Fire Department is called to suppress any fire deemed illegal in this bylaw, the expenses incurred to suppress said fire may be charged against the property on which the services are provided. These expenses may be recovered together with costs and interest in the same manner as municipal taxes.

12. Severance

The provisions of this bylaw are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this bylaw.

13. Bylaws Repealed

This bylaw repeals "District of Tofino Outdoor Burning Bylaw No. 591, 1992."

Read a first time this 24th day of June, 2008.

Read a second time this 24th day of June, 2008.

Read a third time this 24th day of June, 2008.

Adopted by Council this 22nd day of July, 2008.

John Fraser, Mayor

Rob Bremner, CAO

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1071, 2008 cited as the "District of Tofino Outdoor Burning Bylaw No. 1071, 2008" as adopted by Council this 22nd day of July, 2008.

Rob Bremner, CAO