

**CITY OF PARKSVILLE**

**CONSOLIDATED BYLAW NO. 1428**

*Consolidated for convenience only to include Bylaw No. 1428.1, 1428.2, 1428.3 and 1428.4*

**OUTDOOR BURNING BYLAW  
A BYLAW TO REGULATE OUTDOOR BURNING**

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**WHEREAS** the Municipal Council deems it desirable and necessary to regulate outdoor burning;

**NOW THEREFORE** the Council of the City of Parksville, in open meeting assembled hereby enacts as follows:

**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;

***Bylaw 1428.3 adopted August 17, 2015, deleted the definition "Agricultural Clearing Waste Fire" in its entirety and replaced it with the following:***

**"Agricultural Clearing Waste"** means waste originating and resulting from agricultural activities or from brush clearing, tree clearing or stump removal to facilitate agricultural use of the land zoned for such use.

***Bylaw 1428.4 adopted April 18, 2016, deleted the definition "Beach Fire" in its entirety:***

~~**"Beach Fire"** means a fire lit for the purpose of warmth, cooking, or ceremonial purposes in a non-combustible environment below the high tide line.~~

**"Campfire"** means a fire lit in a permanent approved campsite fireplace located in a provincial park or a privately owned and supervised commercial campground or resort.

***Bylaw 1428.3 adopted August 17, 2015, deleted the definition "Clearing Waste" in its entirety and replaced it with "General Clearing Waste"***

~~**"Clearing Waste"** means waste originating from brush clearing, tree clearing or stump removal, to facilitate use of the land.~~

**"Debris"** means disturbed or undisturbed vegetative matter.

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

**"Domestic Waste Materials"** means household material and food waste, including paper products.

**"Garbage"** means all household and commercial waste or refuse whether it contains edible material or not.

**"Garden Refuse"** means any non-toxic garden or vegetative materials including, but not limited to, grass clippings, foliage, leaves, pruning, weeds, crops or stubble for agricultural, domestic or commercial purposes.

***Bylaw 1428.3 adopted August 17, 2015, deleted the definition "Clearing Waste" in its entirety and replaced it with the following:***

**"General Clearing Waste"** means waste originating from brush clearing, tree clearing or stump removal, to facilitate use of the land.

**"Incinerator"** means a combustion device specifically designed for controlled high temperature burning of materials and equipped with a stack or chimney for discharge of smoke and contaminants into the air.

**"Noxious Material"** includes tires, oil, tar, asphalt, shingles, batteries, household garbage, plastic and any other substance which produces heavy black smoke, noxious odors or toxic residue when burned.

**"Officer"** means the Fire Chief or the Deputy Fire Chief, or their designate(s), duly appointed from time to time to lawfully act in that capacity and includes the Bylaw Compliance Officer.

**"Open Burning"** means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products into the atmosphere.

**"Outdoor Fire"** means every fire that burns in the open air whether it is contained within a non-combustible device or not.

**"Outdoor Fireplace"** means every fire that burns in the open air and is contained in a non-combustible device, covered by a grate and protected by a screen and includes outdoor hearths and outdoor fire rings.

### **General Prohibition**

2. All Open Burning and Outdoor Fires are prohibited at all times, within the boundaries of the City of Parksville.

***Bylaw 1428.3 adopted August 17, 2015, deleted Section 3 in its entirety and substituted the following:***

3. No person shall burn agricultural clearing waste, animal organic waste, debris, demolition waste, domestic waste materials, garbage, garden refuse, general clearing waste and/or noxious materials in an open fire, incinerator or in any other similar device.

## Exemptions

4. The following are excluded from the regulations, provisions and penalties provided for under this bylaw:

**Bylaw No. 1428.2 adopted August 16, 2010, replaced subsections (a) and (b) to change from one square metre to 0.5 square metres.**

- a) charcoal, wood, propane or natural gas fires contained within a barbecue, hibachi or fire pits having a surface area not greater than 0.5 square metres and covered by a grate, for the purpose of cooking food;
- b) charcoal, wood, propane, or natural gas fires contained within an Outdoor Fireplace having a maximum diameter of 0.5 metres, a maximum width of 0.5 metres, a maximum depth of 0.5 metres and a maximum height, including chimney, of 1.8 metres;

**Bylaw 1428.4 adopted April 18, 2016, Section 4 c) in its entirety and renumbering the subsections in Section 4 accordingly.**

- ~~e) Beach Fires;~~
- c) Campfires;
- d) fires started and maintained by the Parksville Volunteer Fire Department for training, education or other fire department purposes;
- e) fires used or recommended by authorities having jurisdiction to manage ecosystems for purposes of silviculture, forest fuel management, fire hazard reduction, wildlife enhancement and the use of fire as a means of fire control;

**Bylaw 1428.3 adopted August 17, 2015, deleted subsection "g" in Schedule 4 in its entirety.**

~~Bylaw No. 1428.1 adopted July 21, 2008, added subsection "g)"~~

- ~~g) Agricultural Clearing Waste Fire subject to the conditions in Sections 4.1 and 4.2 of this bylaw.~~

**Bylaw 1428.3 adopted August 17, 2015, deleted Sections 4.1 and 4.2 in their entirety.**

~~Bylaw No. 1428.1 adopted July 21, 2008 added Sections 4.1 and 4.2 as follows:~~

~~4.1 No person shall start, maintain or permit an agricultural clearing waste fire other than:~~

- ~~a) during the period October 15 to November 15 in each year; and~~
- ~~b) with the prior written approval of the Fire Chief of the City of Parksville;~~

~~4.2 An agricultural clearing waste fire shall only be conducted in conformance with the *Open Burning Smoke Control Regulation 145/93*, as amended or replaced from time to time, enacted by the Province of British Columbia under the provisions of the *Environmental Management Act* including but not limited to:~~

- ~~a) the smoke release period being not greater than 72 consecutive hours; and~~
- ~~b) burning prohibited during times of an inversion, when local winds are inadequate to disperse the smoke or the ventilation index is poor."~~

5. Every person who starts, maintains or permits or supervises fire under this section shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

***Bylaw No. 1428.1 adopted July 21, 2008 added Section 5.1 as follows:***

- 5.1 No person shall start or maintain a fire permitted under this bylaw unless a person eighteen years of age or older is, at all times, present at the burning site when the fire is burning for the purposes of supervising and extinguishing the fire.

**Inspections and Orders**

6. An Officer may:
  - a) enter at all reasonable times on any property that is subject to this bylaw to ascertain whether the regulations in this bylaw or directions made under this bylaw are being observed;
  - b) make orders directing the owners or occupiers of property to bring their premises or a fire into compliance with this bylaw;
7. No person shall obstruct or prevent an Officer from carrying out an inspection under this bylaw.

***Bylaw 1428.4 adopted April 18, 2016, deleted the Section 8 under "Inspections and Orders" in its entirety and replaced it with the following:***

8. The Fire Chief at his sole discretion may implement a complete ban on campfires, and any other type of burning that is normally exempted under this bylaw, if weather conditions or a high risk of fire hazard warrants it.

**Offence**

9. Any person who contravenes any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty imposed by this bylaw shall:
  - a) be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00);
  - b) be subject to fines contained within the City Parksville Municipal Ticket Information Utilization Bylaw.

**Repeal**

10. "City of Parksville Outdoor Burning Bylaw, 1992, No. 1091", and all amendments thereto, are hereby repealed.

**Title**

11. This bylaw may be cited as "Outdoor Burning Bylaw, 2007, No. 1428".

**READ A FIRST TIME** this 18<sup>th</sup> of June, 2007

**READ A SECOND TIME** this 18<sup>th</sup> of June, 2007

**READ A THIRD TIME** this 18<sup>th</sup> of June, 2007

**ADOPTED** this 4<sup>th</sup> day of July, 2007

*Original signed by Sandy Herle*

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Mayor

*Original signed by Laurie Taylor*

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Corporate Officer

*Consolidated under the provisions of the Community Charter to include Bylaw 1428, 1428.1, 1428.2, 1428.3 and 1428.4. Printed under the authority of the Deputy Corporate Officer of the City of Parksville this 20<sup>th</sup> day of April, 2016.*

*Original signed by Amanda Weeks*

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Deputy Corporate Officer