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THE CORPORATION OF THE DISTRICT OF POWELL RIVER

RESIDENTIAL BACKYARD BURNING BYLAW NO. 1931, 2001

A bylaw to control residential backyard burning.

The Municipal Council of the Corporation of the District of Powell River, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “**Powell River Residential Backyard Burning Bylaw No. 1931, 2001.**”

Definitions:

2. In this bylaw, unless the context otherwise requires:

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

“**Approval**” means acceptance as satisfactory to the Fire Chief or an officer of Powell River Fire Rescue.

“**Council**” means the Municipal Council of the Corporation of the District of Powell River.

“**District**” means the Corporation of the District of Powell River.

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

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

“**Domestic Incinerator**” means any metal or masonry container equipped with a tight-fitting wire screen lid of a mesh not greater than 1 centimeter (or 3/8”) to restrict any sparks or flying debris. It is used for the burning of dry segregated garden refuse from any single or multi-family dwelling unit occupied by a single-family or multi-family. Burning garden refuse in a domestic incinerator is classed as open burning as defined below.

“**Fire Chief**” means the person appointed to be in charge of Powell River Fire Rescue and the firefighting personnel or firefighters of the Corporation of the District of Powell River.

“**Fire Fighter**” means a member of Powell River Fire Rescue.

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

“**Garden Refuse**” means leaves, foliage, prunings, weeds, crops or stubble for domestic purposes or in compliance with the *Weed Control Act*.

“Incinerator” means a combustion device specifically designed for controlled high temperature burning of waster materials and equipped with a stack or chimney for discharge of contaminants (smoke) to the atmosphere.

An incinerator does not include an outdoor “domestic incinerator” as defined above.

“Noxious Material” includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum products, all of which may produce heavy black smoke or noxious odours.

“Open Burning” means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere. Open burning includes burning of garden refuse in a domestic incinerator operated outdoors but it does not include charcoal fires contained within barbecues and hibachis for the purpose of cooking food.

“Order” means any order, decision, requirement or direction given by the Fire Chief or his designate.

“Permit” means a document issued pursuant to the provisions of this bylaw authorizing a person to undertake backyard burning under the conditions specified in the document.

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

“Ventilation Index” means the Environment Canada forecast Ventilation Index which provides regional information on airflow venting.

3. **Open Burning (or Open Fires)**

- (a) In this section, “open burning” refers to burning of dry, combustible, segregated garden refuse as defined in Section 2.
- (b) Open burning is prohibited during times specified by the Fire Chief as burning ban periods.
- (c) A person shall not start or maintain an open fire, or cause or allow an open fire to be started or maintained unless the fire is allowed under Subsection 3(e) or under a permit issued by the Fire Chief.
- (d) The Fire Chief or his designate may withhold or cancel any permit issued where, in his opinion, the igniting of a fire may create a hazard or nuisance to persons or property, and the Fire Chief or his designate may extinguish or order the extinguishing of any fire that is causing a nuisance to persons, or any fire started without a permit to do so.
- (e) No person shall light, ignite, start or burn any fire in the open air for burning residential debris, including yard material or garden refuse, without first having obtained a permit to do so from the Fire Chief. Permits will be issued for open burning of garden refuse only, provided:
 - (i) The garden refuse to be burned is thoroughly dried and fed to the fire in such a way that rapid ignition and burning occurs.

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- (ii) The fire is for the purpose of tidying the premises where burning is taking place and the conditions ensure proper combustion of material being burned without risk of igniting surrounding material.
 - (iii) The fire is burning during the time period between 0900 hours and 1500¹ hours local time of the same day.
 - (iv) The fire is during designated months (the period 01 April to 30 April and 01 November to 30 November).²
 - (v) The fire is on the person's property and is at least 4.6 m from all property lines and buildings, and at least 1.5 m from any grass, shrubs, trees or wooden fence.
 - (vi) For the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire is continuously supervised and controlled by a person who is at least 16 years old.
 - (vii) The person supervising the fire has emergency equipment that is readily available and is capable of controlling or putting out the fire in five minutes at any stage for the purposes in paragraph (vi).
 - (viii) The person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance.

4. **Burning of Garbage and Noxious Material**

No person shall burn garbage and/or noxious material in an open fire, in a domestic incinerator, or in any other similar device.

5. **Inspection and Orders**

The Fire Chief or any person under his authority may:

- (a) 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 directions made under this bylaw are in compliance.
- (b) Make orders directing the owners or occupiers of property to bring the fire into compliance with this bylaw.
- (c) Prevent material not properly prepared (i.e. dried) from being added to fire.
- (d) Call on B.C. Environment's Conservation Officers if a person is burning waste in contravention of the *Waste Management Act*.
- (e) 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.
- (f) Order the operator to immediately put the fire out.

¹ Amended by Bylaw 2063, 2005

² Amended by Bylaw 2063, 2005

6. Favourable Weather for Smoke Dispersion

Unless otherwise directed by the Fire Chief, residential backyard burning must not be initiated unless the Ventilation Index is forecast as “good” for the period during which the burning is to take place.

7. Issuance of Burning Permits

- (a) A written permit shall be in the form set out in Schedule A attached hereto and forming part of this bylaw, or to like effect, and shall be during the specified period designated under Section 3(e)(iii) of this bylaw.
- (b) The Fire Chief or his designate may withhold or cancel any permit issued where, in his opinion, the igniting of a fire may create a hazard or nuisance to persons or property.
- (c) If at any time the Fire Chief or his designate, because of the existence of hazardous conditions, inclusive of meteorological or ambient air quality conditions, deems it advisable, he may suspend for such time as it is necessary, any right to burn granted pursuant to this bylaw, including all or any permits issued pursuant to this bylaw, or he may attach to any or all such permits such conditions and restrictions as deemed proper.
- (d) All permits issued pursuant to this bylaw shall be subject to such conditions, restrictions and provisions as the Fire Chief or his designate may consider necessary and expedient to incorporate therein.
- (e) A fee for each permit shall be assessed in accordance with Schedule “B” attached hereto and forming part of this bylaw.

8. 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, 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, Powell River Fire Rescue may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by Powell River Fire Rescue or the District to control or extinguish the fire.

9. Liabilities for Damages

This bylaw shall not be construed to hold the Corporation 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) failure to carry out an inspection, or
- (c) A permit issued as herein provided.

10. Scope and Penalties

- (a) In the event of there being any conflict between the terms and provisions of this bylaw and the terms and provisions of the *Fire Services Act* or the *Waste Management Act* and regulations thereunder or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.

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- (b) Any person who commits an offence contrary to the provisions of this bylaw is liable, upon summary conviction, to a fine not exceeding two thousand dollars (\$2,000.00) and or required to perform community labour and the cost of prosecution.
 - (c) Each day during which there is a breach of this bylaw shall be deemed to be a separate offence.

11. **Severability**

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

Effective 01 December 2005

Schedule A ³

Powell River Residential Backyard Burning Bylaw No. 1931, 2001

THE CORPORATION OF THE DISTRICT OF POWELL RIVER

For information phone: #1 Fire Hall (604) 485-4431

RESIDENTIAL BACKYARD BURNING PERMIT

Name _____ Date _____

Address _____ Phone _____

Burning Location: (same as above) or (parcel description) _____

Permit valid for 20____ calendar year. Folio Number _____

Burning to take place only during specified burn periods:

0900 hours to 1500 hours - 01 April to 30 April and 01 November to 30 November.

Burning of garden or yard refuse and debris in a barrel or small open fire **one (1) cubic meter or less in size** will be allowed providing a Residential Backyard Burning permit has been purchased.

READ CAREFULLY BEFORE COMMENCING BURN

1. Ensure that the proposed burn is compliant with the Ministry of Water, Land and Air Protection Open Burning Smoke Control Regulations. Phone the Ministry of Water, Land and Air Protection Ventilation Index Information Line to ensure atmospheric conditions are appropriate for smoke dispersal (see Burning Regulations Information hand-out).
2. Pile must be located at least 4.6 meters from all property lines and buildings.
3. Pile must be located at least 500 meters from hospitals, continuing care facilities, or schools in session.
4. Pile must not contain any of the following:
Tires, plastics, drywall, domestic waste, demolition or construction waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers or biomedical waste.
For information on disposal of the above-mentioned items see Burning Regulations Information hand-out.
5. Person at least 16 years of age must closely attend fire until totally extinguished.
6. Water supply hose or equipment (as specified) must be on-site while burning.
7. The permit holder is liable for all expenses of damages caused by him, his servants or agents, while acting under this permit. (With purchase of permit see Burning Regulations Information hand-out).

This permit is issued under the provisions of the Waste Management Act and the Powell River Residential Backyard Burning Bylaw No. 1931, and any amendments made pursuant to it, and shall be subject to cancellation at any time for failure to comply.

Additional comments : _____

Permit Holder (Signature)
(Print Name Below)

Authorized Representative (Signature)
(Print Name Below)

³ Amened by Bylaw 2063, 2005

