



Village of Telkwa Open-Air Burning Regulation Bylaw No. 598, 2010

INDEX OF AMENDING BYLAWS


This document has been reproduced for convenience only and is a consolidation of the "Village of Telkwa Open Air Burning Bylaw No. 598" with the following amending bylaws:

Amendment Bylaw	Effective Date
No. 724	November 12, 2020

NOTE TO USER

WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of adoption of the original and all amending bylaws, pursuant to the "Village of Telkwa Consolidation of Bylaws Authorization Bylaw No. 711, 2020", which was adopted on the 10th day of November, 2020;

This consolidation is hereby certified to be a true and correct copy, this 12th day of November, 2020.


Corporate Officer
Village of Telkwa

**THE CORPORATION OF THE VILLAGE OF TELKWA
OPEN-AIR BURNING BYLAW NO. 598, 2010**

A bylaw to provide for the regulation of open air burning

WHEREAS the *Local Government Act* authorizes Council, by bylaw, to make regulations with respect to fire suppression and prevention;

AND WHEREAS the *Community Charter* authorizes to regulate, prohibit and impose requirement in relation to the protection and enhancement of the air quality of the community;

AND WHEREAS the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relationship to the protection of the natural environment;

NOW THEREFORE the Council of the Village of Telkwa in open meeting assembled enacts as follows:

1. CITATION

1.1 This Bylaw may be cited as “Open-Air Burning Regulation Bylaw No. 598, 2010.”

2. INTERPRETATION

2.1 In this Bylaw:

“**Approved incinerator**” means a non-combustible container placed upon a non-combustible base and filled with a device or screen to contain sparks and flying debris;

“**Building**” means any structure used or intended to be used for supporting or sheltering any use or occupancy;

“**Burning Permit**” means a document issued pursuant to this Bylaw authorizing a person to carry on an open air burn under the specific conditions as outlined in this Bylaw;

“**Campfire**” means a fire not exceeding 50 cm by 50 cm in diameter and 50 cm in height, contained within a fire pit and intended for and used to provide warmth;

“**Captain**” means the third person/s in command to the Fire Chief;

“**Council**” means the Council for the Corporation of the Village of Telkwa,

“Cooking Fire” means a fire not exceeding 50 cm by 50 cm in diameter and 50 cm in height, contained within a fire pit and intended for cooking food, with direct or indirect heat;

“Department” means the Telkwa and District Volunteer Fire/Rescue Department;

“Deputy Fire Chief” means the person second in command to the Fire Chief;

“Equipment” means any tools, contrivances, devices or materials used by the Department to combat an incident or other emergency;

“Fire Chief” means the person appointed by The Telkwa Fire Department Association, and approved by Mayor and Council as head of the Department, and shall be deemed to be a Municipal Public Officer as defined in the *Community Charter*;

“Fire Pit” means a non-combustible enclosure, being a minimum of 15 cm in height; having a minimum of three sides, if rectangular; and having a minimum outside width of 1 metre and length of 1 metre; or having a maximum diameter (if round) of 1 metre; and being a maximum of 30 cm in height;

“Fire Protection” means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising;

“Incident” means a fire or situation where a fire or explosion is imminent and includes assistance response circumstances described in Section 4 of this bylaw;

“Member” means any person appointed by the Fire Chief and ratified by a successful vote by mayor and council as a Member of the Department and includes without limitation the officers, firefighters and administrative staff of the Fire Department;

“Nuisance” means the emission into the atmosphere of smoke by any means, which disturbs the comfort or convenience of persons in the vicinity.

“Occupier” includes tenant, lessee, agent and any other person who has the right of access and control of a building or premises to which this Bylaw applies.

“Officer” means a Member appointed by the Fire Chief as an Officer or Captain of the Department, but nothing in this Bylaw makes such a person Officers for the purpose of Section 146 of the *Community Charter*;

“Officer in Charge” means the Fire Chief or, in his absence, the senior ranking Officer or Member of the Department who is present at the location of the incident;

“Open Air Burning” means any fire that is conducted outside a building, including a fire conducted in a garden, yard, alley, field, park, industrial site, building lot, street or other place;

“Prohibited Burning Materials” means waste material including demolition, renovation or construction waste material and those listed in the Open Burning Smoke Control Regulation enacted pursuant to the *Environmental Management Act* as amended from time to time including the following:

- | | |
|---------------------|----------------------------------|
| a. Tires | j. Domestic waste |
| b. Treated wood | k. Asphalt |
| c. Plastics | l. Paint |
| d. Railroad ties | m. Asphalt products |
| e. Drywall | n. Special waste |
| f. Manure | o. Fuel and Lubricant containers |
| g. Demolition waste | p. Tar paper |
| h. Rubber | q. Bio-medical waste |
| i. Standing grass | |

“Smoke” means the gasses, particulate matter and all products of combustion emitted into the atmosphere when a substance or material is burned including, without limitation, smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia.

3. BURNING PERMIT

- a. Unless permitted pursuant to Section 9 of this Bylaw, no person may start an open air burning on a parcel of land unless the person holds a valid burning permit issued pursuant to this Bylaw.
- b. Any person wishing to start open air burning shall first obtain a permit from the Fire Chief, Deputy Chief or their designate.
- c. The burning permit holder shall have the burning permit available on site for review by the Fire Chief, Deputy or Officer.
- d. All permitted materials to be burned must originate from the parcel of land on which it is to be burned.
- e. The burning permit holder is responsible for controlling the fire, completely extinguishing the fire and is responsible for any damages caused by the fire.
- f. A burning permit for any form of open-air burning is required for the month of May through to, and including the month of September of each calendar year.
- g. Open fires requiring a burning permit are no larger than a metre in height and a metre by a metre in width (100 cm by 100 cm in width by 100 cm in height)

- h. Permits issued by The Village of Telkwa still require permit holders to contact Ministry of Forests, Lands, Natural Resource Operations and Rural Development in relation to proper burning procedures

4. OPEN AIR BURNING PROHIBITIONS

- a. No person may start an open fire burn on any parcel of land designated as “residential”, “institutional”, “commercial”, “industrial” as set out in the Village of Telkwa Zoning Bylaw, without first receiving authorization from the Fire Chief, Deputy or their designate;
- b. No material other than brush material including tree limbs and branches, leaves, bush trimmings or raked grass shall be burned;
- c. No industrial or domestic waste of any kind, construction material or pressure treated wood shall be burned;
- d. No open burning is allowed on days when the ventilation index is defined as “poor” by Environment Canada;
- e. No open burning is allowed between the hours of 12:00am and 7:00 am daily;
- f. No open burning is permitted during high winds, greater than 20 kilometres per hour;
- g. The fire or smoke from an open burn cannot create a nuisance for those in the surrounding area;
- h. No person shall apply for an open-air burn permit, or burn when there is a “no burn” advisory from the Government of British Columbia, through BC Forest and Range, or the Wildfire Management Branch.

5. CLEARANCES

- a. No open burning is allowed:
 - i. within 2 metres of any hedges or fence or 5 metres of any combustible structure when using an approved incinerator;
 - ii. within 8 metres of any building structure, fence or hedge when not using an approved incinerator;
 - iii. within 10 metres of any stream;
 - iv. to exceed 1 metre in height and 1 metre by 1 metre in diameter;
 - v. within 5 metres of any public roadway;

- vi. within 5 metres of any power poles or power lines;
- vii. within 300 metres of a school during 8:00 am to 5:00pm on regular school days.

6. MEANS OF CONTROL

- a. Every person to whom a burning permit has been issued must:
 - i. ensure that open air burning is in accordance with any terms and conditions contained in the burning permit or in the guidelines or instructions presented by the Fire Chief, Deputy or their designate;
 - ii. ensure an individual over the age of eighteen is in charge of the open burn and is on site and prepared with the appropriate equipment required to control and extinguish the fire;
 - iii. ensure that the burn does not get beyond control, cause damage to any property or person.

7. PUBLIC SAFETY

- a. No person shall burn any material in any manner which:
 - i. produces heavy or toxic smoke and/or fly ash which endangers the health, safety or welfare of persons or animals; or,
 - ii. causes smoke to obscure visibility and thereby creates a hazard to the public at large, or traffic on a public roadway;
 - iii. creates a nuisance to those in the area.

8. RESTRICTIONS OR CANCELLATIONS OF PERMITS

- a. The Fire Chief or any member of the Fire Department may require any person to extinguish open air burning which is in breach of any provision, condition or restriction of this Bylaw or any burning permit issued pursuant to this Bylaw;
- b. Where, in the opinion of the Fire Chief/Deputy/Captain, hazardous open-air burning conditions develop or exist, the Fire Chief/Deputy/Captain may, at any time, make an order cancelling or suspending all or any permits issued pursuant to this Bylaw, or attaching to all permits any conditions or restrictions as the Fire Chief/Deputy/Captain may deem necessary;
- c. All burning permits issued will be considered null and void if the Government of British Columbia, through the BC Forest and Range, or the Wildfire Management Branch, bans open fires, campfires and or cooking fires, in our jurisdiction. This “No Burn” policy will continue to be enforced until such a time the appropriate agency/s rescinds the restriction.

9. EXEMPTIONS

- a. This Bylaw does not apply to the normal use of charcoal, gas fired or electric grills and barbecues for the purpose of cooking food or approved gas fuelled outdoor fireplaces or heaters;
- b. This Bylaw does not apply to open air burning set for the purpose of Fire Department “Live Fire” training exercises;
- c. Special permits may be issued during Province wide fire bans, with the written consent of the Mayor, Council and the Telkwa Volunteer Fire Department. This, only after a detailed report to Mayor and Council outlining why the fire is needed and the precautionary steps proposed to avoid a fires spread.

10. FIRE PITS/COOKING FIRE

- a. An outdoor fire pit/cooking fire may be operated without a permit between 7:00 am and 1:00 am provided that:
 - i. it is located at a distance of not less than 6 metres between the fire pit and any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible articles;
 - ii. the fire is fully contained and controlled within the pit and does not exceed more than half a metre in height and a half a metre by half a metre in width;
 - iii. it is contained by a distinctive, raised, non-combustible barrier that completely surround the fire pit to prevent the fire from spreading to the surrounding area;
 - iv. no material other than bush material including tree limbs, branches and brush trimmings or manufactured logs specifically designed for fireplaces shall be used in any outdoor fire pit;
 - v. it does not create a nuisance;
 - vi. a portable fire extinguisher or operable garden hose is available from the time of setting of the fire until the fire is totally extinguished; and
 - vii. the owner or occupier is eighteen years of age or older and maintains constant watch and control over the outdoor fire pit from the time of the setting of the fire until the fire is completely extinguished;
 - viii. fire pits/cooking fires will be disallowed if the Government of British Columbia, through BC Forest and Range, or the Wildfire Management Branch issue open fire or campfire restrictions and will not be allowed until such a time the appropriate agency rescinds the restriction.

11. ENFORCEMENT AND COST RECOVERY

- a. Where the Fire Chief/Deputy Chief/Bylaw Officer or Municipal Representative finds that any provision of this bylaw has been contravened or has not been complied with or has been complied with improperly or only in part or that conditions exist in or upon a building or property and which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he may make such order to ensure full and proper compliance with this Bylaw or to eliminate the fire hazard and in particular, but without limiting the generality of the foregoing, he may:
 - i. Make the owner, occupier or lessee to the building or property such directions as he deems necessary to correct the contravention or to ensure compliance with this Bylaw or to remove the hazards, or
 - ii. Make such an order as he deems necessary with respect to any of the matters referred to in this Bylaw.
- b. An order made under this Bylaw shall be in writing and shall be directed to the owner, occupier or lessee of the building or property in respect of which the order is made or to both;
- c. Where the owner or occupier fails to comply with any order under this section, the Fire Chief/Deputy Chief/Bylaw Officer or Municipal Representative may, at the expense of the owner or occupant, cause the condition to be remedied as required;
- d. Any expenses incurred by the Village under Section 11 above are recoverable by Section 258 of the *Community Charter*;
- e. Cost recovery will depend on the amount of personnel and equipment required to deal with emergency response for an open fire/camp fire/cooking fire that has spread from its intended area. A number of factors will be considered in cost recovery including but not limited to:
 - i. number of violations/notices, blatant disregard for life safety, blatant disregard for health safety, size and severity of affected area, and amount of material cost included in successful suppression,
- f. The cost recovery bill will be approved by the Village CAO and Fire Chief.

12. FINES

- a. Every person who commits an offence against this bylaw is liable upon summary conviction to a fine, as specified in the Village of Telkwa Fees and Charges Bylaw, plus the costs of recovery.

13. SEVERABILITY OF PROVISIONS

- a. If any section, subsection or clause of this Bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion will be severed and the remainder of this Bylaw will be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

**THE CORPORATION OF THE VILLAGE OF TELKWA
Open-Air Burning Bylaw No. 598, 2010**

Open Fire Permit

Date in effect: _____

Expiry Date: _____

Issued To: _____

Applicants Address: _____

Open Fire Location: _____

Phone Number: _____

**I agree to comply with all requirement of the Village of Telkwa Bylaw No. 598, 2010
And I will be responsible for and attend to the open fire at all times.**

Applicant/Owners Signature

Fire Chief/Deputy or Designate Signature (Village Employee)

**PERMIT CONDITIONS: PLEASE READ CAREFULLY
Regulations**

The holder of this permit is entitled to have an open fire that meets the interpretation section of this Bylaw that states **“a fire not exceeding 100 cm x 100cm (39.4 inches) in diameter and 100 cm (39.4) in height”**

3. BURNING PERMIT

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 - vi. a portable fire extinguisher or operable garden hose is available from the time of setting of the fire until the fire is totally extinguished; and
 - vii. the owner or occupier is eighteen years of age or older and maintains constant watch and control over the outdoor fire pit from the time of the setting of the fire until the fire is completely extinguished;
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 - i. Make the owner, occupier or lessee to the building or property such directions as he deems necessary to correct the contravention or to ensure compliance with this Bylaw or to remove the hazards, or
 - ii. Make such an order as he deems necessary with respect to any of the matters referred to in this Bylaw.
- b. An order made under this Bylaw shall be in writing and shall be directed to the owner, occupier or lessee of the building or property in respect of which the order is made or to both;
- c. Where the owner or occupier fails to comply with any order under this section, the Fire Chief/Deputy Chief/Bylaw Officer or Municipal Representative may, at the expense of the owner or occupant, cause the condition to be remedied as required;
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