TOWN OF QUALICUM BEACH
BYLAW NO. 715

A BYLAW TO REGULATE OUTDOOR BURNING

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

NOW THEREFORE the Council of the Town of Qualicum Beach, in open meeting assembled hereby enacts as follows:

Interpretation

1. In this Bylaw:

"Agricultural Clearing Waste Fire" means an outdoor fire in which waste originating from agricultural activities or from brush-clearing, tree-clearing, or stump removal is burned to facilitate the agricultural use of the land.

"Agricultural Land Reserve" means agricultural land designated as an agricultural land reserve under the *Agricultural Land Commission Act* and includes an agricultural land reserve under a former Act.

"Extinguished" means no visible flame, sparks, glowing embers, or smoke and any residue from the fire is broken up and disposed.

"Fire Chief" means the person appointed by the Council of the Town of Qualicum Beach to be in charge of the Fire Department and the firefighting personnel or firefighters of the Town of Qualicum Beach, or any person designated to act on his/her behalf.

"Fuel Break" has the same meaning as under the *Wildfire Regulation*, BC Reg. 38/2005.

"Garden Refuse" means any garden materials and includes grass clippings, leaves, branches pruned from trees and shrubs and similar garden materials.

"Garden Refuse Fire" means an outdoor fire in which garden refuse is burned.

"Highway" means Highway 19 and Highway 19A.

"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, the Deputy Fire Chief, or any designate, duly appointed from time to time to lawfully act in that capacity, and includes any person appointed by the Town of Qualicum Beach Council as a Bylaw Enforcement Officer.

"Outdoor Fire" means any fire that burns in the open air and is not completely enclosed in an incinerator, furnace or other device, including but not limited to, Garden Refuse Fires and Agricultural Clearing Fires.

"Outdoor Fireplace" means

a) a non-combustible appliance, covered by a grate and protected by a screen, built for containing a fire not larger than 0.5m in diameter and 0.5m in height, and includes a chiminea and fire ring, examples of acceptable outdoor fireplace appliances are shown on Schedule 'D', attached to and forming part of this bylaw; or
b) a permanent structure made of rock, masonry, or metal, enclosed on a minimum of three sides and resting on a non-combustible surface, which structure provides a reasonable measure of safety from sparks.

"Smoke" means the gases, particle matter and products of combustion emitted into the atmosphere when material is burned."

General Regulations

2. This bylaw does not apply to:
   a) smokeless fires fueled by wood pellets, liquid or gaseous fuels, charcoal, or electricity, and burning in either a manufactured appliance or contained within a permanent, non-combustible structure with a built-in grill;
   b) fires started and maintained by the Qualicum Beach Fire Department for training purposes or to prevent the commencement or spreading of fire;

3. No person shall
   a) burn any Noxious Material, explosive, corrosive, or toxic material, pesticide, herbicide, treated wood, wet wood, or plastic in an outdoor fire;
   b) light, ignite, start, allow, or cause to be lighted, ignited or started, any Outdoor Fire except as permitted in this bylaw;
   c) light, ignite, start, allow, or cause to be lighted, ignited or started, any Agricultural Clearing Waste Fire or Garden Refuse Fire unless in possession of a permit issued under the authority of this bylaw; or
   d) light, ignite, start, allow, or cause to be lighted, ignited or started, any Outdoor Fire if the province has imposed any fire ban or fire restriction anywhere within a 25 km radius of Qualicum Beach.
   e) light, ignite, start, allow, or cause to be lighted, ignited or started, any Outdoor Fire within 3.0 metres from all neighboring properties, buildings, overhead wiring, and highways.

4. Every person who starts, supervises, maintains, or permits an Outdoor Fire shall ensure that:
   a) a person nineteen years of age or older is present at all times at the burning site of the Outdoor Fire for the purpose of supervising and extinguishing the Outdoor Fire;
   b) the Outdoor Fire does not emit heavy smoke or noxious odors;
   c) suitable tools and water to effectively safeguard the fire are available at all times;
   d) every reasonable precaution is taken to prevent smoke being generated or becoming a nuisance; and
   e) the Outdoor Fire is conducted in accordance with the requirements of this bylaw, including any conditions set out in any permit issued in accordance with this bylaw.

Fires in an Outdoor Fireplace

5. Fires in an Outdoor Fireplace may be started and maintained without a permit between March 15th and November 1st subject to General Regulations of this bylaw.

Agricultural Clearing Waste Fires

6. Agricultural Clearing Waste Fires shall require a permit issued by the Fire Chief in the form attached as Schedule "A" to this bylaw.

7. Agricultural Clearing Waste Fires shall only be permitted on parcels of land that are 1.0 ha or larger, within the Agricultural Land Reserve or have a Farm Class 09 status with BC Assessment.

8. Agricultural Clearing Waste Fires may be started only on the property where the material to be burned originated.

9. A Fuel Break must be established around any Agricultural Clearing Waste Fire.

10. Agricultural Clearing Waste Fires are prohibited within 100 m of neighboring residences and businesses, and are further prohibited within 500 m of schools in session, hospitals, and facilities used for continuing care as defined under the *Continuing Care Act*.

11. Agricultural Clearing Waste Fires shall only be permitted between March 15th and April 5th, and between October 15th and November 5th.

12. An application for a permit to make an Agricultural Clearing Waste Fire must be accompanied by written approval from the Ministry of Environment.

13. Agricultural Clearing Waste Fires must be conducted in conformance with
    a. the *Environmental Management Act* and *Open Burning Smoke Control Regulations*, BC Reg. 145/93;
    b. the conditions of the permit issued under the authority of this bylaw; and
    c. the requirements set out in Schedule 'B' to this bylaw, being "Ways to Minimize Smoke Pollution";

14. Every person who starts or maintains an Agricultural Waste Fire shall ensure that the fire is located at least 10 metres from all neighboring properties, buildings, overhead wiring, and highways.

Garden Refuse Fires

15. Garden Refuse Fires shall require a permit issued by the Fire Chief in the form attached as Schedule "D" to this bylaw;

16. Garden Refuse Fires shall only be permitted on parcels of land that are 1.0 ha or larger, within the Agricultural Land Reserve or have a Farm Class 09 status with BC Assessment.

17. Garden Refuse Fires may be started only on the property where the material to be burned originated.

18. A Fuel Break must be established around any Garden Refuse Fires.

19. Garden Refuse Fires shall only be permitted between March 15th and April 5th and between October 15th and November 5th.

20. Garden Refuse Fires shall not be for any purpose other than for agriculture or property maintenance.

21. Every person who starts or maintains a Garden Refuse Fire shall ensure that
    a) the garden refuse to be burned is thoroughly dried and fed in such a way that rapid ignition and burning occurs;
    b) a garden hose or immediate source of water is at the fire site at all times the fire is lit and is readily available and capable of rendering the fire Extinguished within five minutes;
    c) the fire does not exceed two square metres in area or three metres in height;
    d) the fire is located more than 10 metres away from any property lines, buildings, structures, overhead wiring, and highways; and
    e) the fire is conducted in accordance with any conditions set out in the permit and the requirements of this bylaw.

Inspections and Orders

22. 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, directions made under this bylaw, or permit issued under this bylaw, are being observed;
    b) inspect premises for conditions which may cause a fire, increase the danger of a fire, increase the danger to persons;
    c) make orders directing the owners or occupiers of property to bring their premises or a fire into compliance with this bylaw;
    d) if the owners or occupiers of a property fail to cause an Outdoor Fire to become Extinguished as instructed by the Officer, the Town of Qualicum Beach may extinguish the fire and the property owner shall be responsible for all costs incurred by the Qualicum Beach Fire Rescue Department to extinguish the fire;
    e) restrict or ban some or all fires within the Town of Qualicum Beach by issuance of a public notice by means of an advertisement in the local newspaper and the Town of Qualicum Beach Website at any time that in the sole and reasonable determination of the Town of Qualicum Beach, conditions warrant such restrictions.

23. No person shall obstruct or prevent an Officer from carrying out an inspection under this bylaw.

Offence

24. Any person who contravenes any provisions of this bylaw 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 may:
    a) be liable on summary conviction to a fine not exceeding Ten Thousand Dollars ($10,000.00) and;
    b) be subject to fines contained within the Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw.

25. The following bylaws are hereby repealed:
    “Town of Qualicum Beach Outdoor Burning Bylaw No. 601,2007”
    "Town of Qualicum Beach Outdoor Burning Bylaw No. 601, 2007, Amendment (Ten (10) Metre Requirement) Bylaw No. 601.01, 2009"
    "Town of Qualicum Beach Outdoor Burning Bylaw No. 601, 2007, Amendment (Outdoor Burning in Village Neighborhood) Bylaw No. 601.02, 2009"
    "Town of Qualicum Beach Outdoor Burning Bylaw No. 601, 2007, Amendment (Fire Size and Permits) Bylaw No. 601.03, 2010"

Title

26. This bylaw may be cited as "Town of Qualicum Beach Outdoor Burning Bylaw No. 715, 2018".

READ A FIRST TIME this 19th of February, 2018.
READ A SECOND TIME this 19th day of March, 2018.
READ A THIRD TIME this 16th day of July, 2018.
ADOPTED this 17th day of September, 2018.

_____ _____

Mayor Corporate Administrator

SCHEDULE "A"

PERMIT NO. _____
Permit pursuant to "Town of Qualicum Beach Outdoor Burning Bylaw No 715, 2018".

FIRE PERMIT FOR AGRICULTURAL CLEARING WASTE
FIRE within TOWN OF QUALICUM BEACH
FIRE PROTECTION DISTRICT

Authority is granted to the Permittee, to set and maintain a fire at:

_____
(the site)

for the purpose of Land Clearing, and during the 72-hour period from:

_____ to
(year/month/day)

_____
(year/month/day)

(These dates to fall between March 15th and April 5th or between October 15th and November 5th.)

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Permittee shall be responsible for fires authorized by this permit.

2. The Permittee shall provide, **AT ALL TIMES DURING THE FIRE**, authorized by this permit:
   a) A person 19 years of age or older, equipped with suitable tools and water to effectively safeguard the fire;
   b) The following equipment:

      _____
      Shall be on site at all times during burning.

3. The Permittee shall ensure that:
   a. Open burning shall not occur within 100m of neighboring residences and businesses, and also shall not occur within 500m of schools in session, hospitals, and facilities used for continuing care as defined under the *Continuing Care Act*.

b. Only waste originating from agricultural activities or from brush-clearing, tree-clearing, or stump removal on the property designated in this permit is burned.
c. The burn complies with Ministry of Environment "Ways to Minimize Air Pollution" fact sheet.

4. The Permittee shall totally extinguish all fires authorized by this permit, on or prior to the expiration date and time of the permit; or shall extinguish them forthwith upon suspension or cancellation of the permit; or when instructed to do so by the Fire Chief or those persons authorized by him.

5. This permit is subject to cancellation or suspension at any time without notice or cause.

I hereby certify that I have read and understand the conditions of this fire permit, and **I confirm** that I have read and understand "Town of Qualicum Beach Outdoor Burning Bylaw No. 715, 2018" and that I will comply with the requirements of both. I understand that any part of this bylaw may be superseded by higher authority, at any time.

Property Owner/Occupier:

_____

Permittee:

_____
(Print Name)

_____
(Signature)

Phone Number: _____

Permit Fee: **$45.00 + GST**

GST No. R108129206

Issued by: _____
Title: _____

SCHEDULE "B"

Province of British Columbia - Ministry of Environment
Open Burning Smoke Control Regulation
"Ways to Minimize Smoke Pollution" Fact Sheet

The issue of smoke created by land clearing debris is of concern to many British Columbians. In recognition of the need to minimize the amount of smoke created by agricultural land clearing debris, you are advised of the following:

1. Permit(s) will be issued for a maximum of 72 hours.

2. Ventilation index as forecasted by the Ministry of Environment must be considered "good" for the day of ignition and fair for the next day.

3. Debris must be clean and dry and be piled for a period not less than 90 days prior to the issuance of permit.

4. Clearances to property, structures or residences must comply with the requirements of the *Forest Act* and *Environmental Management Act,* as quoted in the permit.

5. Every reasonable effort must be made to reduce, reuse and recycle debris to minimize the amount of debris to be open burned.

The Town of Qualicum Beach WILL NOT issue burning permits for material that is considered to be suitable for utilization.

SCHEDULE "C"

PERMIT NO. _____
Permit pursuant to "Town of Qualicum Beach Outdoor Burning Bylaw No 715, 2018".

FIRE PERMIT FOR GARDEN REFUSE FIRE
Within TOWN OF QUALICUM BEACH
FIRE PROTECTION DISTRICT

Authority is granted to the Permittee, to set and maintain a Garden Refuse fire at:

_____
(the site)

During the period:

_____ to _____
(year/month/day) (year/month/day)

(These dates to fall between March 15th and April 5th or between October 15th and November 5th.)

SUBJECT TO THE FOLLOWING CONDITIONS:

The Permittee may start or maintain or permit a Garden Refuse Fire as permitted under this bylaw provided:

a) the Garden Refuse to be burned is thoroughly dried and fed in such a way that rapid ignition and burning occurs;
b) the fire does not emit heavy smoke or noxious odours and the person supervising the fire takes every reasonable precaution to prevent smoke being generated or becoming a nuisance;
c) the fire is continuously supervised and controlled by a person who is at least nineteen (19) years of age or older;
d) a garden hose or immediate source of water is at the fire site at all times the fire is lit and is readily available and capable of rendering the fire Extinguished within five minutes at any stage;
e) the fire does not exceed two (2) square metres in area;
f) the fire is on the person's property and is at least ten (10) metres away from any property lines, buildings, structures, overhead wiring, and highways;
g) the fire is not started before sunrise and must completely extinguish the Garden Refuse Fire by 11:59 pm of the same day; and
h) the fire may only be used to burn dry, combustible, Garden Refuse originating on the property designated in this permit.

I hereby certify that I have read and understand the conditions of this fire permit, and **I confirm** that I have read and understand "Town of Qualicum Beach Outdoor Burning Bylaw No. 715, 2018" and that I will comply with the requirements of both. I understand that any part of this bylaw may be superseded by higher authority, at any time.

Property Owner/Occupier:

_____

Permittee:

_____
(Print Name)

_____
(Signature)

Phone Number: _____

Issued by: _____

Title: _____

Dated: _____

SCHEDULE "D"

Examples of Acceptable Outdoor Fireplace Appliances

Chimineas

Fire Rings

Outdoor Fireplace