

DISTRICT OF VANDERHOOF

BYLAW NO. 988, 2005

WHEREAS: Pursuant to Section 8(3)(g), Section 63 and Section 66 of the *Community Charter* and subject to the *Fire Services Act* Council may, by bylaw, regulate the use of fires in the open air or elsewhere and authorize the Fire chief or person under the authority of the Fire Chief to issue permits for outdoor fires when considered safe to do so;

NOW THEREFORE, the Council of the District of Vanderhoof, in open meeting assembled, enacts as follows:

SECTION 1 – DEFINITIONS

In this bylaw:

- Authorized Person** means the Fire Chief, the Deputy Fire Chief and the Public Services Superintendent;
- Campfire*** *means a small, open air burn no larger than 30” in diameter*
- Construction Waste** includes wood and wood products arising from the construction, alteration or demolition of a building or structure;
- Council** means the Council of the District of Vanderhoof;
- Debris** means all materials consisting of lumber, brush, slash, windrows, stumps, branches, trees, all dead and down or other woody materials created as a result of lumbering, land clearing and/or industrial operations, including farming operations;
- Fire Chief** means the person appointed to the position by the District of Vanderhoof Council;
- Household waste*** *means household waste paper products only*
- Open Air Burning** means the lighting, ignition or continuation of a fire of any kind outside of a building;

District of Vanderhoof Burning Control Regulations Bylaw No. 988, 2005

Owner means the registered owner, or the lessee or occupier of any premises;

Water Delivery System means a system consisting of a water supply capable of delivering water to an area where open air burning is carried out.

SECTION 2 - GENERAL PROVISIONS

- 2.01 All open air burning is subject to the venting index of the day and the Waste Management Act - Open burning Smoke Control Regulations.
- 2.02 Except as provided in this bylaw, no person shall carry on or permit to be carried on open air burning without first obtaining a permit from an authorized person.
- 2.03 *A permit is not required for a campfire and for small, confined fires used for cooking food on barbecues and grills.*
- 2.04 A permit shall not be issued for the open air burning of construction waste except as permitted in 2.05.
- 2.05 Despite section 2.04, a person may obtain a permit for the open air burning of construction waste where:
- i) the construction waste has been created as a result of work carried out on the parcel on which the open air burning is to be carried out;
 - ii) when piled, the amount of construction waste to be burned arising from the work does not exceed 27 cubic meters;
 - iii) the open air burning can be carried out within a single period of 6 hours on a single day; and
 - iv) the construction waste does not include any material prohibited under section 2.07.
- 2.06 An authorized person may permit open air burning for one or more of the following purposes:
- i) *for the burning of flammable garden and lawn waste and household waste*
 - ii) for the burning of debris and construction waste
 - iii) for the burning of clean untreated lumber

District of Vanderhoof Burning Control Regulations Bylaw No. 988, 2005

- 2.07 A person to whom a permit has been issued or who carries on Open Air Burning under subsection 2.05 or 2.06 must not burn any rubbish, paint, tires, oil, tar or petroleum product, asphalt shingles, batter boxes, plastic material, biomedical waste or any similar materials.
- 2.08 (i) Any person who carries out open burning shall ensure that a competent person is at all times in charge of the fire while it is burning or smouldering, and until it is completely extinguished;
- (ii) Every person carrying out open burning shall provide the person referred to in subsection (i) with a fully charged hose and spring-loaded nozzle in order to prevent the fire from getting beyond the control of the person supervising the fire.
- 2.09 *Offensive odors and excessive smoke emitting from an open burn are not permitted.*
- 2.10 All burning is subject to the venting index and the *Waste Management Act - Open Burning Smoke Control Regulations*.
- 2.11 The owners of real property shall remove anything from a building or a yard which, in the opinion of the **Fire Chief**, is a fire hazard or increases the danger of fire.
- 2.12 The owners of real property shall clean their chimneys and flues or other apparatus or things that, in the opinion of the **Fire Chief**, may if not cleaned, cause a fire or increase the danger of fire.

SECTION 3 - DISPOSAL OF DEBRIS

- 3.01 Where the safety of forest, woodland, timber or other property is endangered by debris caused by lumbering, land clearing or industrial operations including farming operations, every owner shall dispose of such debris. Disposal may be by complete removal of the debris from the land or by burning, chipping, burying or in some other manner.
- 3.02 Owners of real property shall notify the **Fire Chief** of their intent to burn debris described in Section 3.01 and obtain a permit in accordance with Section 4 of this bylaw.

District of Vanderhoof Burning Control Regulations Bylaw No. 988, 2005

SECTION 4 – OPEN AIR BURNING OF DEBRIS

- 4.01 **Prior to the open-air burning of debris** within the municipality, the owner/developer must inform the municipality and the Fire Chief of his intentions to burn and his intended start date.
- 4.02 Prior to the start date, the Fire Chief will complete an on-site inspection to determine the size of piles permitted, the location of the piles, access to the piles, the availability of suppression equipment and proposed plans to monitor the burn (on-site/on-call attendant).
- 4.03 Windrows are not permitted; piles must be located far enough apart from one another to allow sufficient air for burning.
- 4.04 Piles must be free of dirt.
- 4.05 A fuel break must be provided between the piles and around the perimeter of the proposed burn area.
- 4.06 Piles must be ‘cured’ prior to burning, except for ‘dead/red’ wood which may be burned immediately.
- 4.07 Prior to the start of burning, application for a burning permit shall be made and the Fire Chief will again inspect the property to ensure the size, spacing, location, access, etc are acceptable.
- 4.08 Once conditions for the proposed burn are approved by the Fire Chief, a burning permit will be issued by the municipality and the Fire Chief notified of the intended burn date.
- 4.09 The Fire Chief will monitor the burn to ensure compliance with regulations.
- 4.10 No person shall burn debris caused by lumbering, land clearing or industrial operations:
- i) during any period of time when, because of hot and dry weather conditions, the forest fire rating is classified by the Forest Service as high to extreme; or
 - ii) during any period of time which the Fire Chief has restricted burning times due to weather conditions.
- 4.11 A water delivery system must be maintained from April 1st – October 31st during the burning of debris.

District of Vanderhoof Burning Control Regulations Bylaw No. 988, 2005

SECTION 5 – INSPECTIONS AND ORDERS

An **authorized person** may:

- 5.01 inspect any premises for conditions that may cause a fire or increase the danger of fire or increase the danger to persons;
- 5.02 take measures to prevent and suppress fires, including the demolition of buildings and structures to prevent the spreading of fire;
- 5.03 enter at all and any reasonable time upon property to determine whether a requirement of this bylaw is being met or a regulation under this bylaw is being observed;
- 5.04 issue orders directing the owners or occupiers of property to bring a fire into compliance with this bylaw;
- 5.05 order that an outdoor fire be immediately extinguished.

SECTION 6 – AUTHORITY

For the purpose of administration of this bylaw, the Deputy Fire Chief and the Public Services Superintendent shall take direction from the **Fire Chief**.

SECTION 7 – COST RECOVERY

Every owner or occupier of property who starts or permits to be started any open air burning is responsible for such burning. If the fire is prohibited or the fire is not extinguished in accordance with instructions from the Fire Chief, or if, in the opinion of the Fire Chief, the fire presents a hazard or becomes out of control, the Fire Chief may summon the Fire Department to extinguish or control the fire. The owner or occupier shall pay the costs of the services provided by the Fire Department within thirty (30) days of receipt of an invoice from the District of Vanderhoof. Pursuant to Section 17 of the *Community Charter*, any charges remaining unpaid on December 31st in any year shall be collected in the same manner as municipal taxes.

SECTION 8 – EXEMPTIONS

The following are exempted from applying for a permit to burn under the provisions of this bylaw:

- i) employees of the District of Vanderhoof who, during the course of their employment, burn on municipal property; and,

District of Vanderhoof Burning Control Regulations Bylaw No. 988, 2005

- ii) firefighters who light fires for the purpose of training.

SECTION 9 - OFFENCES

- 9.01 Any person who violates any provision of this bylaw or neglects to do anything required to be done pursuant to this bylaw, commits an offence.
- 9.02 Any person who obstructs an authorized person in the execution of his duties under this bylaw, commits an offence.
- 9.03 Any person who commits an offence is liable and punishable, upon conviction, under provisions in the *Offence Act*.

SECTION 10 - CITATION

- 10.01. This bylaw may be cited as the **District of Vanderhoof Burning Control Regulations Bylaw No. 988, 2005.**

READ A FIRST TIME THIS 25th DAY OF May, 2005.

READ A SECOND TIME THIS 25th DAY OF May, 2005.

READ A THIRD TIME AS AMENDED THIS 8th DAY OF June, 2005.

ADOPTED THIS 22nd DAY OF June, 2005.

MAYOR

CORPORATE OFFICER