



District of Sicamous

Outdoor Burning Bylaw No. 452, 2002

Effective Date – April 11, 2002

Consolidated for Convenience Only

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

Amendment Bylaw	Effective Date
Bylaw No. 626, 2006	May 8, 2006
Bylaw No. 629, 2006	November 22, 2006
Bylaw No. 669, 2007	May 23, 2007
Bylaw No. 706, 2008	April 23, 2008

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 452 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 452 and all amending bylaws must be consulted.

DISTRICT OF SICAMOUS**BYLAW NO. 452**

A Bylaw to Regulate Outdoor Burning in the District of Sicamous.

WHEREAS the Council of the District of Sicamous recognizes that smoke, at times, affects the comfort, convenience and health of its citizens;

AND WHEREAS the Council of the District of Sicamous deems it desirable and necessary to regulate outdoor burning;

AND WHEREAS authority is granted to the Council of the District of Sicamous under Bylaw No. 452 under Section 522 of the Local Government Act and subject to the Fire Service Act, the Forest Practices Code of British Columbia and the British Columbia Environment Open Burning Smoke Control Regulation;

NOW THEREFORE the Council of the District of Sicamous, in open meeting assembled, **ENACTS AS FOLLOWS:**

Section 1 – Citation:

1. This Bylaw may be cited for all purposes as the ***“District of Sicamous Outdoor Burning Bylaw No. 452, 2002”***.

Section 2 – Definitions:

- 2.1 ***“Compostable Materials”*** means waste products from plants, trees or other vegetation that are naturally biodegradable including grass clippings, leaves, tree needles, garden waste and weeds;
- 2.2 ***“Designated Fire Official”*** means Fire Chief or Fire Department Officer within the District of Sicamous in compliance with the District of Sicamous Fire Department Bylaw.
- 2.3 ***“Council”*** means the Council of the District of Sicamous.
- 2.4 ***“Garden Refuse Fire”*** means any non-toxic garden materials gathered from any single lot to be burned, which includes branches pruned from trees, shrubs and similar garden material, which are hand piled having a surface area not greater than one (1) metre (3.281 feet) diameter and not exceeding one (1) metre in height (3.281 feet).
- 2.5 ***“Land Clearing Debris Fire”*** means an outdoor fire from parcels of land (minimum 2.02 hectares or 5 acres in size) in which only waste resulting from brush clearing, tree clearing, or stump removal, for the purpose of clearing land for developmental use, is burned.
- 2.6 ***“Noxious Material”*** includes tires, plastics, drywall, demolition waste, construction waste, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers, biomedical waste, tar, shingles, batteries, and any other substance which produces heavy black smoke, noxious odours or toxic residue when burned.
- 2.7 ***“Nuisance”*** means the emission into the atmosphere of open burning, which disturbs the comfort, health or convenience of persons in the vicinity.

- 2.8 **“Officer”** means the Bylaw Enforcement Officer of the District of Sicamous.
- 2.9 **“Permitted Burning Material”** means seasoned untreated wood.
- 2.10 **“Air Curtain Incinerator”** means a manufactured incineration unit operating by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs. Air curtain incinerators include both firebox and trench burner units.

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Section 3 – General Regulations – Outdoor Fires

- 3.1 The following types of outdoor fires may be started and maintained, subject to Provincial restriction orders, and are excluded from the regulations of this bylaw.
- 3.1.1 As per Section 22 of the *Forest Practices Code of British Columbia Act*, a person may light, fuel, or make use of an open fire, contained within a barbecue, fire pit or burning barrel, for the purposes of cooking, warmth, or ceremony, if the burning is conducted in accordance with the following conditions:
- (a) before the fire is ignited, all combustible materials must be removed at least 30 cm in every direction from the perimeter of the fire;
 - (b) the fire must not be closer than 3 metres to any snag, slash, standing tree or wooden structure;
 - (c) only permitted burning materials, including seasoned untreated lumber, shall be used and firewood must be dry and seasoned;
 - (d) the fire must not be more than one (1) metre in diameter (3.281 feet) and not exceeding one (1) metre in height (3.281 feet);
 - (e) a burning barrel must be provided with adequate combustion air and be maintained to ensure complete combustion to prohibit the emission of smoke. Burning barrels must be equipped with a spark arrestor to prevent the emission of sparks and ash.
 - (f) the fire shall be continuously controlled and supervised by a competent person equipped with a shovel, or a pail containing at least 8 litres of water at all times, and must have a spark arrestor to prevent spread of fire;
 - (g) the fire shall be maintained so as not to cause a nuisance;
 - (h) the fire must be completely extinguished before the person leaves.
- 3.1.2 A person may light, fuel or make use of an open fire if the fire is in
- (a) a stove that uses a liquid or gaseous fuel or briquette, or
 - (b) a permanent campsite fireplace if the person complies with the following conditions:
 - (i) the fireplace
 - (A) must comply with fire prevention requirements approved by a designated forest official, or
 - (B) must be located in a provincial park or a privately owned and supervised commercial campground or picnic site;
 - (ii) the fire must be extinguished before the person leaves the fireplace.
- 3.1.3 Fire used by the Fire Department authorities for the purposes of education, training and other fire department purposes.

- 3.1.4 Fire used or recommended by authorities having jurisdiction to manage ecosystems for purposes of silviculture, forest fuel management, fire hazard reduction, wildlife enhancement, domestic range improvement and the use of fire as a means of fire control.
- 3.1.5 Burning lawfully conducted as part of a farm operation pursuant to the provisions of the *Farm Practices Protection (Right to Farm) Act*.
- 3.2 The following types of fire may be permitted during the spring and fall clean up periods during the **first two weeks in April and the last two weeks in October**, in any year.
- 3.2.1 **Garden refuse fires** if the burning is conducted in accordance with the following conditions:
- (a) before the fire is ignited, all combustible materials must be removed at least 30 cm in every direction from the perimeter of the fire;
 - (b) no person shall cause or permit smoke of noxious or compostable materials.
 - (c) the fire must not be closer than 3 metres to any snag, slash, standing tree(s) or wooden structure;
 - (d) the fire must not be more than one (1) metre (3.281 feet) in diameter and not exceeding one (1) metre (3.281 feet) in height.
 - (e) the fire shall be continuously controlled and supervised by a competent person equipped with a shovel, or a pail containing at least 8 litres of water at all times;
 - (f) the fire shall be maintained so as not to cause a nuisance;
 - (g) the fire must be completely extinguished before the person leaves.

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- 3.3 The following type of outdoor fire may be started and maintained by permit.

- 3.3.1 **Land Clearing Debris Fires** on a single parcel of land for parcels over 2.02 hectares (5 acres) which require a permit set out in attached Schedule "A" and requirements of the Ministry of Water, Land and Air Protection Open Burning Smoke Control Regulations, as set out in Schedule "B".

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- (a) Applications for a Land Clearing Debris Fire Permit shall be accompanied by:
- (i) a site plan showing the location of the proposed burn, access to the site, and locations of any existing buildings;
 - (ii) A \$100.00 administration fee; and
 - (iii) A \$1,000.00 security deposit to be returned when the burn is complete and the site is left in a safe and tidy condition.
- 3.3.2 **Land Clearing Debris Fire** subject to the following conditions:
- (a) The person responsible for the land clearing debris fire shall be 19 years of age or older and **at all times during the fire**:
 - (i) be equipped with suitable tools and water, to effectively safeguard the fire; and
 - (ii) shall be on-site at all times during burning with the following equipment: a shovel; either an axe or a Pulaski; and a pail containing at least 18 litres of water.
 - (iii) debris must be burned on the property from where it originated.

(b) The person responsible for the land clearing fire shall ensure that the following criteria are met:

- (i) no open burning within 100 metres (328.10 feet) of neighbouring residences, or within 500 metres (1,640.50 feet) of schools in session, hospitals, or extended care facilities.
- (ii) debris must be burned on the property from where it originated.
- (iii) no person shall cause or permit smoke of noxious or compostable materials.
- (iv) every reasonable effort must be made to reduce, reuse, and recycle debris to minimize the amount of debris to be open burned. Specifically, pursuant to Section 2(c) of the "Open Burning Smoke Control Regulation", the boles of trees 10 cm. and over in diameter are to be utilized (although there may not be much of a market for small volumes of this type of material, it can at least be salvaged for use as firewood).
- (v) the Permittee must use an air curtain incinerator.
- (vi) the burn must be commenced on a weekday.

(c) Subject to Council's approval and subject to requirements outlined in subsections (a) and (b) above, a Special Burning Permit for developable lands may be issued by Council Resolution.

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3.3.3 Notwithstanding the above, land clearing debris fires must not be commenced on Saturdays, Sundays or Statutory Holidays.

3.4 The following conditions and types of outdoor fires are not permitted.

- 3.4.1 Land clearing fires under 2.02 hectares (5 acres).
- 3.4.2 Garden refuse fires outside the designated spring and fall clean up periods as identified in Section 3.2.
- 3.4.3 No person shall cause or permit smoke from open burning except in accordance with this bylaw.
- 3.4.4 No person shall cause or permit smoke from open burning on land of which the person is not the owner or occupier unless authorized to do so by the owner or occupier and in accordance with this bylaw.
- 3.4.5 No person shall cause or permit smoke from open burning of prohibited noxious, compostable materials, domestic waste, explosive, corrosive or toxic material in an outdoor fire (see definitions section for materials deemed noxious, explosive, corrosive or toxic). Please call 1-800-667-4321 for information on disposal options for these materials.
- 3.4.6 Use of an incinerator, or similar device is prohibited, except that air curtain incinerators are required for Land Clearing Debris fires as outlined in Schedule "A".
- 3.4.7 A person must not light, fuel or make use of an open fire when the wind is strong enough to cause sparks or other burning material to be carried to combustible material.

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3.4.8 A person who lights, fuels or makes use of a fire must extinguish it immediately when ordered to do so by a designated Forest Official, designated Fire Official or Bylaw Enforcement Officer.

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3.4.9 It shall be unlawful for any person to burn or to permit, or cause to be burned within the District of Sicamous, any materials resulting from the demolition or construction of any structure.

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3.4.10 In addition to any other remedy or offence imposed by this bylaw, a person or property owner who starts a fire without a valid permit pursuant to this Bylaw shall be responsible for the costs of providing the additional personnel and equipment that the Chief may deem necessary to extinguish the fire or to suppress any escape or threatened escape of the fire.

Section 4 – Inspections and Orders

4.1 *An Officer, Designated Fire Official or Designated Forest Official may:*

- 4.1.1 enter at all reasonable times, on any property that is subject to this bylaw to ascertain whether the regulations in this bylaw, or the directions made under this bylaw, are being observed;
- 4.1.2 inspect premises for conditions which may cause a fire or increase the danger of fire or increase the danger to persons;
- 4.1.3 make orders directing the owners or occupiers of property to bring their premises, or a fire, into compliance with this bylaw.
- 4.1.4 no person shall obstruct or prevent an Officer from carrying out an inspection under this bylaw.

Section 5 – Cost Recovery

Every owner or occupier of property who starts or permits to be started any outdoor fire is responsible for such fire. If the fire is prohibited or the fire is not extinguished in accordance with the terms of any permit issued for the fire, or if in the opinion of the Fire Chief, or the Forest Official, or the Bylaw Enforcement Officer, the fire presents a hazard or becomes out of control, the Fire Chief, or Forest Official, or the Bylaw Enforcement Officer may summon the Fire Department to extinguish or control the fire and 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 Sicamous. Any charges remaining unpaid on December 31st in any year shall be collected in the same manner as municipal taxes.

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(a) Costs for providing additional personnel and equipment shall be charged out as follows:

Fire Department Equipment:	\$400.00 per vehicle per hour per day
Fire Department Personnel:	Remuneration as per Fire Department Establishment Bylaw No. 126, 1995

Unpaid invoices shall be administered pursuant to Section 5 of this bylaw.

Section 6 – Offence

6.1 Any person who violates any of the 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 be liable, on summary conviction, to a fine not exceeding Ten Thousand Dollars (\$10,000.00).

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6.2 Following a request by the Bylaw Enforcement Officer or Fire Chief to cease and desist, each half hour thereafter, should the contravention continue, shall constitute a new and separate offense. The charges incurred by the property owner, if unpaid on the 31st day of December in the year that the offense occurred, shall be added to and form part of the taxes payable in respect of such real property as taxes in arrears.

Section 7 – Severability

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

7.2 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 Provincial Acts and Regulations shall prevail.

Section 7 – Effective Date

This bylaw shall become effective on the date of its adoption by the Council of the District of Sicamous.

READ a first time this 11th day of February, 2002.

READ a second time this 11th day of February, 2002.

READ a third time this 8th day of April, 2002.

RECONSIDERED AND FINALLY ADOPTED this 11th day of April, 2002.

“Fred Busch”

Mayor

“Karen Williams”

Clerk

Certified a true and correct copy of the
District of Sicamous Outdoor Burning Bylaw No. 452, 2002

“Karen Williams”
Clerk

Schedule "A"

**SPECIAL FIRE PERMIT FOR A LAND CLEARING DEBRIS
FIRE ON PARCELS OF LAND OVER 2.02 HECTARES (5 ACRES)
WITHIN THE DISTRICT OF SICAMOUS**

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

(Address of site)

for the purpose of land clearing burning, and during the 72 hour period from:

_____ to _____

SUBJECT TO THE FOLLOWING CONDITIONS:

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1. The Permittee **MUST USE AN AIR CURTAIN INCINERATOR TO BURN ALL MATERIALS.**
2. No burning is permitted within 100 metres (328.10 feet) of neighbouring residences, or within 500 metres (1,640.50 feet) of schools in session, hospitals, or extended care facilities.
3. The Permittee shall be responsible for fires authorized by this permit.
4. 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; a shovel; either an axe or a Pulaski; and a pail containing at least 18 litres of water.
5. Debris must be burned on the property from where it originated.
6. Every reasonable effort must be made to reduce, reuse, and recycle debris to minimize the amount of debris to be burned. Specifically, pursuant to Section 2(c) of the "Open Burning Smoke Control Regulations", the boles of trees 10 cm. and over in diameter are to be utilized (although there may not be much of a market for small volumes of this type of material, it can at least be salvaged for use as firewood).
7. Comply with the attached Ministry of Water, Land and Air Protection "Ways to Minimize Air Pollution" fact sheet (Schedule "B" of this Bylaw).
8. Land Clearing Debris Fires may only be commenced on weekdays, and when the venting index is considered good.

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The District of Sicamous WILL NOT issue burning permits for material that is considered to be suitable for utilization.

I hereby certify that I have read and understand the conditions of this fire permit, and **I confirm** that I have read and understand the "District of Sicamous Outdoor Burning Bylaw No. 452, 2002". (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: Land Clearing Fire - \$100.00 – Administration Fee
Security Deposit: \$1,000.00 (to be returned when the burn is complete and the site is left in a safe and tidy condition.) *(Amending Bylaw No. 706)*

Approved By: _____

Title: _____

Schedule “B”

**Province of British Columbia – Ministry of Water, Land and Air Protection
Open Burning Smoke Control Regulation
“Ways to Minimize Smoke Pollution” Fact Sheet**

Duration of Burn	The release of visible smoke must cease after 72 hours, or when instructed to do so by a designated Forest Official, Fire Official or Bylaw Enforcement Officer.
Smoke Free Period	Open burning must be separated by a smoke free period of at least 15 days.
Burn Periods	Open Burning can take place on the same land only 2 times per year in addition to the spring and fall burn periods as defined in Section 3.2 of this bylaw.
*Weather Conditions	In all areas, open burning must only take place under the appropriate weather conditions. Weather must be conducive to dispersal of smoke, as specified by (a) venting must be considered “good” on days of burning; (b) venting must be considered “good” to “fair” the second day of the allowable burn period; and (c) piles must be clean and dry. Debris must not be added to the open burn if (a) weather conditions change and the ventilation index becomes poor; (b) local winds make the dispersion of the smoke inadequate, or (c) any inversion forms trapping smoke near the surface.

Bylaw No. 626

*The applicant will contact the weather office at 1-900-565-5000 to obtain the ventilation index for the day the permit is to be issued: 0-33 is considered poor, 34-54 is considered fair, and 55-100 is considered good.