

## **REGIONAL DISTRICT OF COMOX-STRATHCONA**

### **BYLAW NO. 2465**

#### **A BYLAW FOR REGULATING THE LIGHTING OF FIRES IN THE BLACK CREEK FIRE PROTECTION LOCAL SERVICE AREA**

WHEREAS the Regional Board of the Regional District of Comox-Strathcona on the 26<sup>th</sup> day of October, 1998 adopted "Black Creek Fire Protection Local Service Conversion Bylaw 2069, 1998" to establish a local service to provide fire prevention, fire suppression and emergency response assistance within the area of Black Creek created as the Service Area within Bylaw No. 2069;

AND WHEREAS the Regional District has contracted with the City of Courtenay to provide fire protection services to this specified area;

AND WHEREAS the Regional Board wishes to provide for consistency of service and regulation between the City of Courtenay and the Service Area;

NOW THEREFORE the Regional Board of the Regional District of Comox-Strathcona in open meeting assembled enacts as follows:

#### **1. DEFINITIONS**

- |    |                             |   |
|----|-----------------------------|---|
| a) | "Courtenay Fire Department" | shall mean the fire department established and maintained by the City of Courtenay.   |
| b) | "Domestic incinerator"      | shall mean any metal or masonry container used for the burning of material and service any dwelling unit.   |
| c) | "Domestic Waste Material"   | shall mean any readily combustible dry waste material .produced on residential property.  |
| d) | "Fire Chief"                | shall mean the Fire Chief of the Courtenay Fire Department or his designate.  |
| e) | "Service Area"              | shall mean the "Black Creek Fire Protection Local Service Area as shown on Schedule 'A' of Bylaw No. 2069 being "Black Creek Fire Protection Local Service Conversion Bylaw No. 2069, 1998" |
| f) | "Permit"                    | shall mean the current written document used by the Courtenay Fire Department as the permit document approved and used under the authority of the Fire Chief.                               |

#### **2. REQUIREMENT FOR A PERMIT**

- (a) A person may apply to the Fire Chief for a permit to carry out open burning and the Fire Chief is authorized to issue the permit where he or she considers that:
- (i) the open burning does not create an unreasonable risk to the land or premises or surrounding lands;

- (ii) because of the location of the land on which the burning is to occur, weather conditions and the amount and type of material to be burned, the open burning will not unreasonably impair air quality of the surrounding lands.
- (b) In issuing a permit under 2(a), the Fire Chief may impose one or more of the following conditions
  - (i) limit the duration of the burning;
  - (ii) limit the size of the burning; and
  - (iii) limit the amount or type of material that may be burned.
- (c) The Fire Chief may withhold any permit or cancel any permit when in his opinion the igniting of a fire may create a hazard to persons or property.
- (d) No person shall burn any garbage, animal waste, rubber, tires, oil, tar, asphalt shingles, battery boxes, plastic material, or any other materials which produce heavy black smoke or create a noxious odor.
- (e) A permit is not required for the burning of domestic waste material between sunrise and sunset provided it is burnt in a domestic incinerator fitted with a metal screen or grill with a mesh of less than 9.5mm (3/8”) to restrict sparks or flying debris.
- (f) No person is required to obtain a permit for the occasional burning of domestic waste material from sunrise to sunset on any day from November 01st to April 01 unless a notice is published or posted under Section 3.
- (g) Permits are required at all times for the burning of debris that results from the cutting and felling of trees and from land clearing activities.
- (h) All fires must be attended by a competent person at least 16 years old who shall supervise any burning and shall ensure that sufficient equipment, functioning hoses, tools and materials in order to contain the fire and extinguish it if necessary

### **3. BURNING PROHIBITION**

- (a) Where the Fire Chief considers that due to a lack of precipitation, open burning creates an unreasonable risk of fire hazard within the Service Area, he or she may prohibit the burning of domestic waste material and of debris that results from the cutting and felling of trees or from land clearing activities it is prohibited.
- (b) No person shall light, ignite or maintain any fire in the open air or in an incinerator after a notice of the prohibition under subsection (a) has been published at least once in a newspaper circulating in the Service Area and posted in at least one location within the Service Area.

### **4. AUTHORITY TO ENTER**

The Fire Chief is authorized to enter onto any land or premises at all reasonable times to inspect conditions which may cause a fire, increase the danger of fire or increase the danger to persons or to ascertain that the provisions of this Bylaw are being met.

**5. GENERAL**

- (a) No person shall obstruct the Fire Chief in making any entry authorized by this bylaw.
- (b) Neither the issuance of a permit under this Bylaw, nor the inclusion of any conditions from the permit shall be interpreted or relied upon as a representation or warranty by the Regional District, the Fire Chief or any other person that the lighting, igniting or maintaining of a fire will not cause loss or damage.

**6. PENALTY**

Any person who violates any provision of this bylaw or fails to comply with an order commits an offense and is liable on conviction to a fine up to \$10,000 (ten thousand dollars).

**7. SEVERABILITY**

If a section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

**8. CITATION**

This Bylaw may be cited for all purposes as “**BLACK CREEK FIRE PROTECTION SERVICE AREA FIRE CONTROL BYLAW NO. 2465, 2002**”.

<b>READ A FIRST AND SECOND TIME THIS</b>	<b>26<sup>TH</sup></b>	<b>DAY OF</b>	<b>AUGUST</b>	<b>2002.</b>
<b>READ A THIRD TIME THIS</b>	<b>26<sup>TH</sup></b>	<b>DAY OF</b>	<b>AUGUST</b>	<b>2002.</b>
<b>ADOPTED THIS</b>	<b>26<sup>TH</sup></b>	<b>DAY OF</b>	<b>AUGUST</b>	<b>2002.</b>

**“D.M. Andrews”**\_\_\_\_\_  
Chair**“B. Randall”**\_\_\_\_\_  
Manager of Corporate Administration

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2465 being “Black Creek Fire Protection Service Area Fire Control Bylaw No. 2465, 2002” as adopted by the Board of the Regional District of Comox-Strathcona on the 26<sup>th</sup> day of August, 2002.

**“B. Randall”**\_\_\_\_\_  
Manager of Corporate Administration