

REGIONAL DISTRICT COMOX-STRATHCONA

BYLAW NO. 2792

A BYLAW TO CONTROL FIRES

WHEREAS the Board of the Regional District of Comox-Strathcona adopted Bylaw No. 2045 being “Denman Island Fire Protection Local Service Establishment Bylaw No. 2045, 1998” on the 29th day of June, 1998;

AND WHEREAS the Board of the Regional District of Comox-Strathcona provides fire prevention and suppression services to persons or property situated in the “Denman Island Fire Protection Local Service Area”, a portion of Electoral Area ‘K’;

AND WHEREAS the Board of the Regional District of Comox-Strathcona has authority under section 522 of the *Local Government Act* to regulate in relation to fire protection and fire suppression;

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

CITATION

1.0 This Bylaw may be cited for all purposes as “Denman Island Fire Control Bylaw No. 2792”.

DEFINITIONS

2.0 For the purposes of this Bylaw, unless the context otherwise requires:

“**Beach Fire**” means an open air fire located on any land below the natural high water mark of the Strait of Georgia.

“**Camp Fire**” means an open air fire started and maintained within a fire pit.

“**Deputy Fire Chief**” means the Deputy Fire Chief appointed by the Fire Department pursuant to the Denman Island Volunteer Fire Department Establishment and Regulatory Bylaw No. 2105.

“**Enforcement Officer**” means a member of the Fire Department or the RCMP or any person appointed as the Bylaw Enforcement Officer by the Board of the Regional District of Comox-Strathcona.

“**Fire Chief**” means the Fire Chief elected by the members of the Fire Department to the position of Fire Chief established by the Denman Island Volunteer Fire Department Establishment and Regulatory Bylaw No. 2105.

“**Fire Department**” means the Denman Island Volunteer Fire Department.

“**Fire Pit**” means an enclosure or surround of non-combustible material such as iron rings, or stone masonry surrounds no larger than one (1) metre in diameter.

“**Fire Prevention Officer**” means a member of the Fire Department appointed by the Fire Chief to issue permits and carry out inspections.

"Fire Season" means the period between April 15th and October 15th, inclusive, in any year or as otherwise directed by the Ministry of Forests.

"Member" means a volunteer fire fighter of the Fire Department, including an officer.

"Noxious Material" means any material which, when burned, produces harmful or polluting exhaust fumes into the air or leaves residues which are harmful or polluting, including but not limited to household garbage, animal, organic waste, rubber, tires, oil, tar, asphalt shingles, battery boxes, plastic material, polypropylene, polystyrene, electric wires, plastic pipe, adhesives, hydrocarbons, other petroleum products, paint or painted wood, treated wood, oil, grease, solvents, bio-medical waste.

"Off Season" means that period of time within a calendar year that is not part of the Fire Season.

"Open Air Fires" means a fire in the open air where the products of combustion are not conveyed and disposed of by means of a chimney constructed and maintained in accordance with enactments applicable thereto.

"Outdoor Event" means an assembly of one or more persons for the purpose of a concert, performance, rally, or other similar gathering.

"Residential Incinerator" means any metal or masonry container maintained in good condition on a non-combustible base and fitted with a metal screen with mesh no larger than 1.2 centimetres (1/2 inch) to restrict sparks or flying debris and located at least 3 metres from any combustible material.

"Smouldering Condition" means smouldering embers without a consistent open flame and still producing smoke.

"Ventilation Index" means a numerical measure of the ability of the atmosphere to disperse smoke, provided by Environment Canada to assist in determining if weather conditions are such that the smoke generated from fires will contribute significantly to air pollution.

APPLICATION AND INTERPRETATION

- 3.0 (1) This Bylaw applies to:
- (a) Open Air Fires;
 - (b) Outdoor Events; and
 - (c) Burning within a Residential Incinerator
- on all privately owned and publicly owned properties located in the Denman Island Fire Protection Local Service Area.
- (2) In the event of a conflict between a provision of this Bylaw and a provision of the *National Fire Code of Canada*, the *Forest Act* (British Columbia), the *Forest and Range Practices Act* (British Columbia), or the *Forest Practices Code of British Columbia Act*, the provisions of the *National Fire Code of Canada*, the *Forest Act* (British Columbia), the *Forest and Range Practices Act* (British Columbia), or the *Forest Practices Code of British Columbia Act* shall prevail.
- (3) A reference in this Bylaw to the Fire Chief includes a reference to the Deputy Fire Chief except in subsection (4).

- (4) The Board hereby designates any Member of the Fire Department to act in the place of the Fire Chief for the purposes of this Bylaw with the permission of the Fire Chief.

GENERAL REGULATIONS

- 4.0 (1) Except as permitted by this Bylaw, a person must not start or maintain an Open Air Fire or use a Residential Incinerator.
- (2) An Open Air Fire must be kept under control at all times and supervised by a person at least 16 years old from the time that the fire is ignited until such Open Air Fire is completely extinguished.
- (3) (a) The Fire Chief, or when absent the Deputy Fire Chief, shall adhere to and enforce any closure to open air fires, beach fires, and campfires enacted by the Federal or Provincial Government, under a provision of the *National Fire Code of Canada*, the *Forest Practices Code of British Columbia Act*, the *Forest and Range Practices Act* (British Columbia), or the *Forest Act* (British Columbia), by enacting a closure to all open air fires, beach fires, and campfires and that closure will have effect and shall take precedence over any provisions of this Bylaw.
- (b) If the Fire Chief, or when absent the Deputy Fire Chief, is of the opinion that conditions are not safe for an open air fire, beach fire, or campfire, owing to drought, lack of precipitation, accumulation of flammable materials, wind conditions, or any other reason and the Provincial and Federal Governments have not issued a fire closure, the Fire Chief or Deputy may enact a fire closure.
- (c) Following the enactment of a closure pursuant to subsections (3)(a) and (3)(b), the Fire Chief or Deputy may post a notice advising that open air fires, beach fires, and campfires are not allowed and no person shall start or maintain an open air fire, a beach fire, or a camp fire until the notice is removed by the Fire Chief or the Deputy Fire Chief.
- (4) A person must not burn any Noxious Material.

OPEN AIR FIRES – PERMITS

- 5.0 (1) Subject to subsection (7), section 6.0(1) and section 7.0(1), a person must not ignite or maintain an Open Air Fire or cause or permit an Open Air Fire or burn any material in a Residential Incinerator:
 - (a) Without first completing the application form and obtaining the applicable permit referred to in Schedules "A", "B" or "C"; and
 - (b) Except in strict accordance with the Regulations of this Bylaw and any condition contained in the permit.
- (2) The Fire Prevention Officer may issue a permit for an Open Air Fire or use of a Residential Incinerator and may include as a condition of such permit conditions that the Fire Prevention Officer considers advisable given the nature and extent of the proposed burning and the local conditions.
- (3) The Fire Prevention Officer may refuse to issue a permit or may suspend or cancel any permit where, in the Fire Prevention Officer's opinion, the igniting of an Open Air Fire or use of a Residential Incinerator may create a hazard to persons or property.

- (4) A permit shall be in writing and is valid only for the purpose stated in the permit and for the time set out in the permit.
- (5) The Fire Prevention Officer may withhold a permit if of the opinion the applicant has previously failed to comply with the terms or conditions of a fire permit.
- (6) The Fire Prevention Officer may suspend or cancel a permit if of the opinion the permit holder has failed to comply with the regulations of this bylaw or with a condition of the permit.
- (7) A person is not required to obtain a permit for the burning of yard and garden waste originating from residential premises by way of Open Air Fire or within a Residential Incinerator, from one hour after sunrise to one hour before sunset on any day from October 16th of any year to April 14th the following year unless a notice is published banning Open Air Burning or use of a Residential Incinerator or both under section 4.0(3).

BEACH FIRES

- 6.0
- (1) A permit is not required for a Beach Fire.
 - (2) A person must ignite and maintain a Beach Fire in accordance with the provisions laid out in this section.
 - (3) A person must not ignite a Beach Fire where a notice has been posted under section 4.0(3).
 - (4) A person over the age of 16 years must be present and is responsible at all times when a Beach Fire is burning.
 - (5) A person must not burn any material other than wood in a Beach Fire.
 - (6) A person must not ignite a Beach Fire using any combustible material other than wood, paper, or cardboard.
 - (7) A Beach Fire must be located and maintained a minimum of three (3) meters from driftwood, grass, or other combustible material.
 - (8) A person must not use a Beach Fire except for warmth or cooking.
 - (9) A person igniting a Beach Fire must not permit the Beach Fire to exceed one (1) meter in diameter.
 - (10) Despite subsection (9) where the Fire Chief considers that a proposed Beach Fire does not present an unreasonable hazard because of its location, weather conditions, and the experience of the person having responsibility for the fire, he or she may approve a Beach Fire larger than one (1) meter in diameter.
 - (11) A Beach Fire must be completely extinguished with water, and not by covering the fire with sand or other material, by 12 o'clock midnight.

- (12) Despite subsection (11) where the Fire Chief considers that the burning of a Beach Fire beyond 12 o'clock midnight does not present an unreasonable hazard because of its location, weather conditions, and the experience of the person having responsibility for the fire, the Fire Chief may approve an extension of a Beach Fire beyond 12 o'clock midnight.

CAMP FIRES

- 7.0 (1) A permit is not required for a Camp Fire.
- (2) A person must ignite and maintain a Camp Fire in accordance with this section.
- (3) A person must not ignite a Camp Fire where a notice has been posted under section 4.0(3).
- (4) A person over the age of 16 years must be present and is responsible at all times when a Camp Fire is burning.
- (5) A person must not ignite or maintain a Camp Fire except in a firepit.
- (6) A person igniting a Camp Fire must not permit the Camp Fire to exceed one (1) metre in diameter.
- (7) A Camp Fire must be located and maintained a minimum of three (3) metres from standing trees, stumps, or other flammable materials.
- (8) All flammable material shall be removed down to mineral soil for not less than one (1) metre in all directions from the perimeter of the firepit.
- (9) A person who ignites the Camp Fire must provide an effective means of extinguishing a Camp Fire, with means of water or by smothering with mineral soil, immediately adjacent to the firepit at all times when the fire is burning.
- (10) The Camp Fire must be completely extinguished by 10 o'clock p.m.

SEVERABILITY

- 8.0 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 shall be severed and the remainder of this Bylaw shall be deemed to be enacted and adopted without the invalid and severed section, subsection or clause.

INSPECTION AND ENFORCEMENT OFFICER

- 9.0 An Enforcement Officer is authorized at all reasonable times to enter onto any property that is subject to this Bylaw to ascertain that the requirements are being met or the Regulations are being observed.

PENALTY

- 10.0 (1) A person who violates any provision of this Bylaw shall be liable, upon conviction, to a fine of up to TEN THOUSAND (\$10,000.00) DOLLARS.
- (2) For each violation that continues, each day on which it continues, shall be deemed to be a separate violation for the purpose of prosecution under this Bylaw.

REPEAL

11.0 Bylaw No. 1926, being Denman Island Fire Control Bylaw No. 1926, 1997, and all amendments thereto, are hereby repealed.

READ A FIRST AND SECOND TIME THIS 27th day of June , 2005.

READ A THIRD TIME THIS 27th day of June , 2005.

ADOPTED THIS 27th day of June , 2005.

"J. Abram"

"J. Warren"

Chair

Manager of Legislative Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2792 being "Denman Island Fire Control Bylaw No. 2792" as adopted by the Board of the Regional District of Comox-Strathcona the 27th day of June, 2005.

"J. Warren"

Manager of Legislative Services

Regional District of Comox-Strathcona Bylaw No. 2792 - Schedule "A"
Denman Island Fire Department - Class "A" Burning Permit
Industrial Land Clearing or Other Major Burning

Pre-permit site inspection was conducted on _____ by _____

Subject to the provisions of the Denman Island Fire Control Bylaw No. 2792 and any Amendments thereto, permission is hereby granted to:

_____ (Name of registered owner/agent for registered owner)

Address _____ Phone _____

To set fire on the following described lands ('site'): _____

For the purpose of: _____

This permit is valid for the period: _____ to _____ inclusive.

The Permittee will be responsible for the fires authorized by this permit and shall abide by the following conditions:

- No burning is permitted within 100 meters of neighbouring residences or businesses or 500 meters of the school.
- Piles or windrows must be located at least _____ meters from any property line and, at least, 15 meters from timber, brush or other combustibles.
- The fires must be attended and safeguarded, at all times while burning, by _____ adult persons.
- Piles or windrows must not exceed _____ meters in height. Piles not to exceed _____ meters in length or width or windrows not to exceed _____ meters in width and _____ meters in length.
- A fireguard of mineral soil _____ meters in width must be constructed around each pile or windrow prior to ignition.
- Ignition shall be restricted to during or just after a rain and fires shall not be started or rekindled when wind is strong enough to cause sparks or other burning debris to land in any other combustible material.
- No fire is to be initially ignited earlier than one hour after sunrise or later than one hour before sunset.
- The Permittee will contact _____ at _____ prior to each light-up.
- The fire must be completely extinguished within three (3) days after initial ignition
- No more than one pile or windrow may be ignited at one time. This fire must be burned down to a smoldering condition before another pile or windrow is ignited
- A supply of water to control each fire must be available before ignition and for the duration of the burn and with ready access to any area around the burn. Water can be made available by one or more of the following methods: a) No less than _____ litres of water in open drums or tanks together with 18 litre hand-pumped tanks or pails. b) A fire pump in good working order, with enough hose to reach around the area to be burned, is to be set up with an adequate water source (at least _____ litres)
- The following tools must be kept at the burning site from before ignition until the fire is out - _____
- Burning must not be initiated unless the Ventilation Index is forecast as 'Good' (55 to 100 units) for the day that the fire is to be ignited and, at least, 'Fair' (34 to 54 units) for the remainder of the burn. Material must not be added to a burning pile if an inversion forms trapping smoke near the surface. The Ventilation Index is available from Environment Canada at 1-900-565-5000 or online search on Google.ca for "smoke control forecast" and look up "Central Vancouver Island" (http://www.weatheroffice.pyr.ec.gc.ca/wxhealth/smoke/forecast_e.html?Smoke=YCD)
- To minimize the amount of smoke created, a burning pile must be tended regularly so that all the fuel is rapidly consumed. (It may be necessary to use an auxiliary air supply to promote good combustion.)
- Fires to be ignited using a "tiger torch" (propane flame) and kindled with only cardboard, paper or dry wood.
- Burning is limited to wood and wood products. The burning of other substances, as laid out in Bylaw No. 2792, is strictly prohibited
- The Permittee shall totally extinguish all fire authorized by this permit on or prior to the expiry date of this permit, upon suspension or cancellation of the permit or, when instructed to do so by the designated officer of the Denman Island Fire Department.

While the burn is taking place, this Burning Permit and special conditions, if attached, must be in the possession of a person at the burn site and available for inspection by a Forest Officer, Ministry of Water, Land and Air Protection official, RCMP officer or the Denman Island Fire Department.

The Permittee is responsible for reviewing the Denman Island Fire Control Bylaw No. 2792 and all other appropriate Provincial regulations and bylaws.

The Permittee is aware that this permit can be suspended or cancelled at any time by the designated officer of the Denman Island Fire Department.

Penalties: Violation of any of the conditions listed this Class A Permit and Special Conditions, where applicable, may result in a penalty as prescribed in Bylaw No. 2792

I have read and understand the conditions and limitations of this permit and also understand that I assume all liability for damage that may occur as a result of the burning.

Signature of Applicant _____ Date _____ Fire Prevention Officer _____

Regional District of Comox-Strathcona Bylaw No. 2792, Schedule "B"
Denman Island Fire Department Class "B" Burning Permit
Residential – Open Air, Minor Burning

Subject to the provisions of Bylaw No. 2792, permission is hereby granted to:

_____ (Name of registered owner/occupant)

(Permittee)

Address _____ Phone _____

To set fire on the following described lands ('site'): _____

for the purpose of : _____

Will all materials will be burned in a **Residential Incinerator** defined in Bylaw No. 2792? YES _____ NO _____

This permit is valid for the period: _____ to _____ (inclusive).

A fire in open air shall mean any fire out of doors but excludes campfires and beach fires. Debris to be burned must originate from and be burned on the property described above.

The Permittee will be responsible for the fires authorized by this permit and shall abide by the following conditions:

1. No burning is permitted within ten (10) meters of neighbouring residences or businesses or five hundred (500) meters of the school, when in session
2. Burn piles must not exceed three (3) meters in length or breadth and two (2) meters in height
3. Fires must be located at least five (5) meters away from the property line
4. Fires may not be set within three (3) meters of dry grass, shrubbery, trees or wooden fences or within six (6) meters of any structure
5. The Permittee may not ignite a fire if, during the valid period of this permit, fire conditions are upgraded to "High" or "Extreme". Fire conditions may be confirmed at the sign located near the Denman West Ferry Terminal or the sign near the Fire Hall
6. The fires must be attended and safeguarded, at all times while burning, by a minimum of one person at least 16 years of age.
7. Fires should be set on days when there is good ventilation, that is, on days when smoke can rise in the atmosphere. If an inversion forms trapping smoke near ground level, the fire should be extinguished.
8. No fire is to be initially ignited no earlier than one hour after sunrise or no later than one hour before sunset
9. No more than one (1) burn pile may be ignited at one time. This pile must be burned down to a smoldering condition before another pile is ignited.
10. An adequate supply of water to control the fire must be available before ignition and for the duration of the burn and ready access to any area around the burn must be maintained.
11. The following tools must be kept at the burning site from before ignition until the fire is out - shovels, rakes
12. To minimize the amount of smoke created, the burning pile must be tended regularly so that all the fuel is rapidly consumed.
13. No material other than dry wood, cardboard or paper can be used as a fuel to start, assist or enhance the burning.
14. Burning is limited to wood, wood products and garden wastes. The burning of other substances as laid out in Bylaw No. 2792 is strictly prohibited

To minimize nuisance smoke conditions, the Permittee should consider igniting a fire only when the **Ventilation Index** exceeds a value of "55". The Ventilation Index is available from Environment Canada at 1-900-565-5000 or online search on Google.ca for "smoke control forecast" and look up Central Vancouver Island (http://www.weatheroffice.pyr.ec.gc.ca/wxhealth/smoke/forecast_e.html?Smoke=YCD)

While the burn is taking place, this Burning Permit must be available at the site for inspection by a Denman Island Fire Department representative.

The Permittee is responsible for obtaining and reviewing Bylaw No. 2792 and is aware that this permit can be suspended or cancelled at any time by a Designated Officer of the Denman Island Fire Department

Penalties: Violation of any of the conditions listed in this Class B permit may result in a penalty as prescribed in Bylaw No. 2792.

I have read and understand the conditions and limitations of this permit and also understand that I assume all liability for damage that may occur as a result of the burning.

Signature of Applicant Date Fire Prevention Officer

IN THE EVENT OF FIRE - CALL 911

Regional District of Comox-Strathcona Bylaw No. 2792 – Schedule “C”
DENMAN ISLAND FIRE DEPARTMENT
COMMERCIAL EVENT PERMIT – FIRE CONTROL

Location of the event _____

Date(s) of the event _____

Event Organizer(s), hereafter called the “Permittee” _____

Event will be held: Daytime _____ Evening _____ Overnight _____

Will there be Open Air Fire(s) ? Yes ___ No ___ If “yes” describe the size of the fires, fuel, specific location(s) on the site, when the fires will be burning:

Describe proposed fire control plan (adult monitors, availability of water, tools on hand, safe smoking areas, etc.)

Describe the location(s) of access, how the routes will be kept clear for Fire Department Access to fire area(s)

Based on the information provided above and the Fire Hazard Rating expected at the time of the event, the Denman Island Fire Department GRANTS DENIES approval for the setting of open-air fires for this event.

Special Conditions:

Penalties:

Violation of any of the conditions listed in this Class C Permit may result in a penalty as prescribed in Bylaw No. 2792.

I recognize that I, as the permittee, am responsible for meeting the conditions described above and that I assume all liability for damage that may occur as a result of lighting open-air fires at the event.

Signature of Applicant Date Fire Prevention Officer

IN THE EVENT OF FIRE - CALL 911