

# REGIONAL DISTRICT OF COMOX-STRATHCONA

## BYLAW NO. 1947

### A BYLAW TO CONTROL FIRES

**WHEREAS** the Regional Board of the Regional District of Comox-Strathcona has provided for fire prevention and suppression that may cause harm to persons or property to the residents of “Fanny Bay Fire Protection Specified Area”, a portion of Electoral Area “A”;

**AND WHEREAS** the Regional Board of the Regional District of Comox-Strathcona has authority under section 700 of the Municipal Act to regulate the use of fires and lights in the open air or elsewhere;

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

#### CITATION

1. This bylaw may be cited for all purposes as “**FANNY BAY FIRE CONTROL BYLAW NO. 1947, 1997.**”

#### DEFINITIONS

2. For the purposes of this bylaw, unless the context otherwise requires:

“ <b>Beach fires</b> ”	means an outdoor fire located on all land below the natural boundary of the Georgia Strait.
“ <b>Camp Fires</b> ”	means an outdoor fire started and maintained within a fire pit.
“ <b>Deputy Fire Chief</b> ”	means the Deputy Fire Chief, elected by the Members
“ <b>Enforcement Officer</b> ”	means a member(s) of the Fanny Bay Volunteer Fire Department, or an Officer(s) of the R.C.M.P.
“ <b>Fire Chief</b> ”	means the Fire Chief, recommended by the Fanny Bay Volunteer Fire Department, and appointed by the Regional District.
“ <b>Fire Department</b> ”	means the Fanny Bay Volunteer Fire Department.
“ <b>Fire Prevention Officer</b> ”	means the Fire Prevention Officer elected by the Members.
“ <b>Fire pit</b> ”	means an enclosure or surround of non-combustible material such as iron rings, or stone masonry surrounds no larger than 1 (one) meter in diameter.
“ <b>Members</b> ”	means a volunteer fire fighter of the Department including every Officer and the Fire Chief and the Deputy Chief.

- “Natural Boundary”** means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.
- “Noxious Material”** means any material which, burned, produces harmful and polluting exhaust fumes into the air and/or leaves residues which are harmful and polluting, including but not limited to gasoline, oil, kerosene, tar, asphalt, plastic and tires.
- “Outdoor 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 the B.C. Building Code and the B.C. Fire Code and excludes beach fires and campfires.

### GENERAL CONDITIONS

3. (1) This bylaw applies to outdoor fires, beach fires and camp fires.
- (2) In the event of a conflict between a provision of this Bylaw and a provision of the National Fire Code of Canada, the Forestry Practices Act, the Forest Act (British Columbia), the provisions of the National Fire Code or the Forestry Practices Act or the Forestry Act, as applicable, will prevail.
- (3) Except as permitted by this Bylaw, no person shall start or maintain an outdoor fire, a beach fire or camp fire.
- (4) (a) Where the Fire Chief or, in his or her absence, the Deputy Fire Chief is of the opinion that conditions are not safe for an outdoor fire, beach fire or camp fire, owing to drought, lack of precipitation, accumulation of flammable materials, wind conditions or any other reason, the Fire Chief or Deputy, as applicable, may post a notice advising that outdoor fires, beach fires or camp fires are not allowed.
- (b) From the posting of the notice under Section 3(6)(a), no person shall start or maintain an outdoor fire, a beach fire or camp fire until the notice is removed by the Fire Chief or the Deputy Fire Chief.
- (5) The Fire Chief must post copies of the notice in at least three (3) locations where it is reasonable to expect that they will be visible to members of the public.
- (6) No person shall burn any garbage, animal organic waste, rubber, tires oil, tar, asphalt shingles, battery boxes, plastic material, polypropylene, polystyrene, electric wires, plastic pipe, adhesives, hydro carbons or any similar material which may be toxic and which may or may not produce heavy black smoke or create a noxious odor.
- (7) Outdoor fires, beach fires and camp fires shall from the time they are ignited until they are completely extinguished be kept under control at all times and supervised by a person at least 16 years old.

- (8) No person shall obstruct or prevent an Enforcement Officer from carrying out inspections or enforcing the regulations of the Bylaw.

#### **OUTDOOR FIRES - PERMITS**

4. (1) No person shall light, ignite, or maintain an outdoor fire or cause or permit an outdoor fire to be lit, ignited or maintained in the open air without first completing the application form and obtaining a fire permit outlined in Schedule "A" attached to this Bylaw, from the Fire Prevention Officer.
- (2) The Fire Prevention Officer may issue permits for outdoor fires and may attach to a permit whatever conditions in his or her opinion are advisable.
- (3) The Fire Prevention Officer may withhold any permit or cancel any permit issued where in his or her opinion, the igniting of an outdoor fire 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) A permit is not required for the burning of domestic waste in a metal or masonry container fitted with a metal screen or grill of less than 9.5 mm (3/8 inch) mesh to restrict sparks or flying debris during the hours of sunrise to sunset unless a notice that permits will be required for all or any such outdoor fires during the period specified in the notice.
- (6) No person is required to obtain a permit for the occasional burning of domestic waste material from sunrise to sunset on any day from October 6th in any year to April 14th of the following year, unless a notice is published that permits will be required during the period specified in the notice.

#### **BEACH FIRES**

5. (1) Beach fires shall only be ignited with wood and used for warmth or cooking.
- (2) Beach fires will be permitted only below the natural boundary and must be a minimum of 3 meters from driftwood, slash, grass or other combustible material.
- (3) Beach fires shall be no larger than 1 meter in diameter.
- (4) A beach fire must be completely extinguished with water and not by covering the fire with sand or other material, by 12:00 midnight.

#### **CAMP FIRES**

6. (1) Camp fires shall not be ignited or maintained from standing trees, stumps, slash or other inflammable debris or wooden structures.
- (2) Camp fires shall not be ignited within three (3) meters of any logs, stumps, trees, wooden structures or any other combustible materials.
- (3) No person shall ignite or maintain a camp fire greater than one (1) meter in diameter.
- (4) No person shall ignite or maintain a camp fire except in a fire pit.
- (5) All inflammable material shall be removed down to mineral soil for not less than one (1) meter in all directions from the perimeter of the fire pit.

- (6) A person who ignites a camp fire shall ensure that an effective means of extinguishing the fire, by means of water or by smothering with mineral soils is available immediately adjacent to the fire pit at all times while the fire is maintained.
- (7) A camp fire, other than a camp fire ignited and maintained on private property, shall be extinguished by 10:00 p.m.

**SEVERABILITY**

- 7. 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 have been enacted and adopted without the invalid and severed section, subsection or clause.

**INSPECTION**

- 8. An Enforcement Officer is authorized to enter at all reasonable times on any property that is subject to this Bylaw, to ascertain whether the requirement is being met or the regulations are being observed.

**PENALTY**

- 9. (1) Any person who violates any provision of this Bylaw shall be liable, upon conviction, to the penalties described in the Offence Act.
- (2) Where any violation continues, each day in which it continues shall be deemed to be a separate violation for the purpose of prosecution under this Bylaw.

**READ A FIRST AND SECOND TIME THIS 30<sup>TH</sup> DAY OF JUNE 1997.**

**READ A THIRD TIME THIS 30<sup>TH</sup> DAY OF JUNE 1997.**

**RECONSIDERED,  
FINALLY PASSED AND ADOPTED THIS 30<sup>TH</sup> DAY OF JUNE 1997.**

***"D.M. Andrews"***

***"B. Whitehead"***

\_\_\_\_\_  
**Chairperson**

\_\_\_\_\_  
**Secretary**

**I hereby certify the forgoing to be a true and correct copy of Bylaw No. 1947, being "Fanny Bay Fire Control Bylaw No. 1947, 1997" as adopted by the Board of the Regional District of Comox-Strathcona on the 30<sup>th</sup> day of June, 1997.**

***"B. Whitehead"***

\_\_\_\_\_  
**Secretary**

FANNY BAY FIRE DEPARTMENT  
SCHEDULE "A" TO BYLAW NO. 1947

FIRE PERMIT

**PART 1 - APPLICATION**

I \_\_\_\_\_, (name of registered owner/agent for the registered owner) of lands described as:

Lot \_\_\_\_\_ DL \_\_\_\_\_ LD \_\_\_\_\_ Plan \_\_\_\_\_ (the "Land")  
with an address of \_\_\_\_\_  
(civic address)

apply to the Regional District of Comox-Strathcona for a permit for a fire on the Land on \_\_\_\_\_  
(day/month/year) in order to burn the following material and no other

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Address and Telephone No. of Applicant                      Signature of Applicant

As owner of the Land I agree to carry out any fire authorized by this permit in accordance with all relevant enactments, including ( \_\_\_\_\_ ), the *Fire Services Act* (British Columbia) and Regulations, the *Forest Act* (British Columbia) and Regulations and the *Waste Management Act* (British Columbia) and Regulations and to release and indemnify and save harmless the Regional District from any and all claims and liability which I or any other person may have against the Regional District arising from the Fire authorized by this permit.

\_\_\_\_\_  
Address and Telephone No. of Owner                      Signature of Registered Owner

**PART 2 - PERMIT**

Permission is hereby granted to carry out a fire on the Lands specified in the above application on the following dates: \_\_\_\_\_  
in order to burn the materials specified in the application and no other in accordance with the conditions (if any) listed below.

\_\_\_\_\_  
Fire Prevention Officer                      Date

List any special conditions applicable to the fire:  
\_\_\_\_\_  
\_\_\_\_\_