

The following is a consolidated copy of the Black Creek/Oyster Bay fire control bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
2439	Black Creek/Oyster Bay Fire Protection Service Area Fire Control Bylaw No. 2439, 2002	September 30, 2002	To regulate the lighting of fires in the Black Creek/Oyster Bay Fire Protection Local Service Area
2542	Black Creek/Oyster Bay Fire Protection Service Area Fire Control Bylaw, 2002, Amendment Bylaw No. 2542	March 31, 2003	To provide further authority to the Oyster River Volunteer Fire Rescue Association to enable them to provide the fire control service.
171	Black Creek/Oyster Bay Fire Protection Service Area Fire Control Bylaw No. 2439, 2002, Amendment No. 2	June 28, 2011	To enable a response to an out-of-district deployment upon a request for assistance by the Office of the Fire Commissioner for the fire department's structural protection unit

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 2439

**A Bylaw for regulating the lighting of fires
in the Black Creek/Oyster Bay Fire Protection Local Service Area**

WHEREAS the Board of the Regional District of Comox-Strathcona adopted bylaw No. 1964 being “Black Creek/Oyster Bay Fire Protection Local Service Conversion/Establishment Bylaw No. 1964, 1997” on the 27th day of April, 1998;

AND WHEREAS the Regional Board of the Regional District of Comox-Strathcona has provided for fire prevention and suppression of fires that may cause harm to persons or property to the residents of the “Black Creek/Oyster Bay Fire Protection Area”, located in a portion of Electoral Area ‘C’ and ‘D’;

AND WHEREAS the Regional Board of the Regional District of Comox-Strathcona wishes to establish regulations for the lighting of fires in Electoral Area ‘C’ and ‘D’;

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

Definitions

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| a) | “Association” | means the Oyster River Volunteer Fire Rescue Association. |
| b) | “Domestic incinerator” | means any metal or masonry container used for the burning of material and servicing any dwelling unit. |
| c) | “Domestic Waste Material” | means any readily combustible dry waste material produced on residential property. |
| d) | “Fire Chief” | means the Fire Chief of the Oyster River Volunteer Fire Rescue or his designate. |
| e) | “Foreshore” | means that part of the shore between high and low water marks or between the water and cultivated or developed land. |
| d) | “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, tires, garbage, animal organic waste, rubber, tires, 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. |

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| e) | “Outdoor Fire”
“Open Burning” | 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 BC Building Code and the B.C. Fire Code and includes beach fires and campfires. | |
| f) | “Permit” | shall mean the current written document used by the Oyster River Volunteer Fire Rescue as the permit document approved and used under the authority of the Fire Chief. | |
| g) | “Service Area” | shall mean those portions of Comox Valley Regional District Electoral Area ‘C’ (Puntledge – Black Creek) and Strathcona Regional District Electoral Area ‘D’ (Oyster Bay – Buttle Lake) that form the Black Creek – Oyster Bay fire protection service.” | 171 |
| h) | “Structural Protection Unit” | shall mean a trailer and its contents including pumps, hoses, hand tools and sprinklers used to protect structures from wildfire. | 171 |

Requirement for a Permit

1. 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:
 - (a) the open burning does not create an unreasonable risk to the land or premises or surrounding lands;
 - (b) 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.
2. In issuing a permit under 2(a), the Fire Chief may impose one or more of the following conditions
 - (a) limit the duration of the burning;
 - (b) limit the size of the burning; and
 - (c) limit the amount or type of material that may be burned.
3. 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.
4. 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.
5. 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.

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 November 1st to April 1st unless a notice is published or posted under Section 3.
7. 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.
8. All outdoor 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.
9. All outdoor fires shall be located at least 3 metres from any combustible material.
10. All outdoor fires shall be extinguished by 11:00 pm.
11. A permit is not required for outdoor fires under 75 cm in diameter.

Burning Prohibition

1. 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.
2. 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.

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.

The Fire Chief may enter onto property or into any premises and damage, break, break up, remove any part or parts of any premises including any buildings, structures, improvements or vegetation on any premises when the Fire Chief or his designate is of the opinion that there is an imminent and serious danger to life or property arising from a fire, fire hazard, toxic chemical spill or risk of explosion.

The authority of the Fire Chief may be exercised by a designated member of the Fire Department.

The Fire Chief is authorized to pass through or over buildings or properties adjacent to an incident and to cause members of the Fire Department and the vehicles and equipment of the Fire Department to enter or pass through or over buildings or property, where he or she deems it necessary to gain access to the incident or to protect any person or property.

The Fire Chief may require the owners or occupiers of real property to remove from a building or yard anything that in the opinion of the Fire Chief is a fire hazard or increases the danger of fire.

The Fire Chief may establish boundaries to keep people away from a fire hazard.

General

1. No person shall obstruct the Fire Chief in making any entry authorized by this bylaw.
2. 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.

Fire Department Training

1. Notwithstanding any other provisions of this bylaw, the fire department may burn buildings, structures or other materials for the purpose of training fire department personnel or for the purpose of eliminating hazards. The fire department may also light, or permit to be lit, small fires in containers for the sole purpose of training others in the use of portable fire extinguishers.
2. The fire department may respond to an out-of-district deployment upon a request for assistance by the Office of the Fire Commissioner for the structural protection unit in accordance with CVRD community services branch procedures.

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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).

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.

Citation

This Bylaw may be cited for all purposes as “Black Creek/Oyster Bay Fire Protection Service Area Fire Control Bylaw No. 2439, 2002”.