

**TOWN OF LAKE COWICHAN**

**BYLAW NO. 878-2009**

**OUTDOOR BURNING REGULATION**

**WHEREAS** Council, under the *Community Charter* gives Council the authority to enact regulations under the *Fire Services Act* and the regulations made under it, may by bylaw regulate the use of fires in the open air or elsewhere; require the owners or occupiers of real property to remove anything and everything from a building or yard which, in the opinion of the Fire Chief, is a fire hazard or increases the danger of fire, and to clean chimneys and flues or other apparatus or thing which may, in the opinion of the Fire Chief, if not cleaned, cause a fire or increase the danger of fire; authorize the Fire Chief, a person under his authority, or another person designated in the bylaw to:

- (a) inspect premises for conditions which may cause a fire or increase the danger of a fire or increase the danger to person;
- (b) take the measures described in the bylaw to prevent and suppress fires, including the demolition of buildings and structures to prevent the spreading of fire;
- (c) issue permits for outdoor fires when considered safe to do so; and
- (d) deal with any matter within the scope of the *Fire Services Act* in a manner not in contravention to that Act or the regulations under it.

**NOW THEREFORE** the Council of the Town of Lake Cowichan in open meeting assembled enacts as follows:

**CITATION**

- 1. This bylaw may be cited for all purposes as "Town of Lake Cowichan Outdoor Burning Regulation Bylaw No. 878-2009".

**INTERPRETATION**

- 2. In this bylaw,

**AIR CURTAIN BURNER** is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber, or earthen pit or trench made to function as the Fire Box, with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a re-circulating motion of air under the curtain;

**CLASS "1" FIRE** is an outdoor fire which permits special occasion and ceremonial fires only;

**CLASS "2" FIRE** is an outdoor fire which occurs in garden waste consisting of non-toxic garden materials stored on a parcel not exceeding one hectare in area, and includes grass clippings, leaves and branches pruned from trees and shrubs;

**CLASS "3" FIRE** is an outdoor fire which occurs in waste resulting from the demolition or construction of a building or structure where the volume of waste is limited to 16 cubic feet in volume;

**GARDEN REFUSE FIRE** means an outdoor fire in which garden refuse is deliberately burned for the purpose of disposal;



**LAND CLEARING DEBRIS FIRE** means an outdoor fire of waste from parcels of land (minimum 2.02 hectares or 5 acres in size) contained in an air curtain burner in which waste from brush or tree clearing operations for the purpose of clearing land for development;

**NOXIOUS MATERIAL** includes tires, oil, tar, asphalt, shingles, batteries, plastic and other substances which produce heavy black smoke, noxious odours or toxic residue when burned;

**OFFICER** means the Fire Chief, Deputy Fire Chief, and a Captain of Lake Cowichan Fire Department or their designates duly appointed from time to time to lawfully act in that capacity;

**OUTDOOR FIRE** means a fire that burns outdoors in the open air that is not enclosed in a fireplace, furnace or other such device, but does not include the striking of a match;

### **GENERAL REGULATIONS - OUTDOOR FIRES**

3. No person shall,
  - (a) except as expressly permitted by this bylaw, start or maintain any outdoor fire or permit any outdoor fire to burn on property owned or occupied by that person;
  - (b) burn any noxious, explosive, corrosive or toxic materials, pesticide or herbicide in an outdoor fire;
  - (c) burn, in an outdoor fire, materials brought from another location;
  - (d) light, ignite or start or allow or cause to be lighted, ignited or started, an outdoor fire without first obtaining a permit if required by this bylaw;
  - (e) start or maintain a fire without adequate supervision or the capability of extinguishing the fire.
4. No person shall cause or permit smoke from the disposal of Land Clearing Debris except in accordance with the following regulations:
  - (a) Subject to Section 5, an Air Curtain Burner shall be used for all Open Burning of Land Clearing Debris;
  - (b) The use of an Air Curtain Burner for the disposal of Land Clearing Debris must be registered with the Town of Lake Cowichan Fire Department prior to the commencement of disposal activities, in accordance with Schedule A of this bylaw;
  - (c) An operating Air Curtain Burner shall be supervised at all times by a person who has received Operator Certification;
  - (d) Only Land Clearing Debris shall be burned in an Air Curtain Burner.
5. Land Clearing Debris applies to machine-piled debris which does not include grass or shrubs.
6. The following types of outdoor fires may be started and maintained at any time without a permit and are excluded from the regulations of this bylaw;



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- (a) cooking fires contained within a barbeque pit, fire pit or other device having a surface area not greater than four (4) square feet; or within a manufactured gas or electric barbeque; and
  - (b) fires started and maintained by Lake Cowichan Fire/Rescue for training purposes or to prevent the commencement or spreading of fire.
7. Nothing in this bylaw shall be interpreted as relieving a person from complying with:
- (a) Federal, Provincial, and Local Government regulations;
  - (b) Local fire restrictions imposed by the Fire Chief or Local Fire Commissioner Officer or persons having jurisdiction to control or police Open Burning.

### **GENERAL REGULATIONS - CLASS "1" FIRES**

8. No person shall start or maintain a Class "1" Fire unless it is for a civic event, function or festival approved by an Officer.

### **GENERAL REGULATIONS - CLASS "2" AND "3" FIRES**

9. No person shall start or maintain a Class "2" or "3" Fire or a garden refuse fire.

### **PERMITS**

10. A person who wishes to start an outdoor fire, not excepted by Section 4, shall obtain a permit and complete and sign an application in the form outlined in Schedule "A" attached to this bylaw together with a permit fee of \$100.
11. An Officer may issue a permit in the form attached to this bylaw as Schedule "A" and, prior to issuing a permit, inspect the proposed site of the fire and direct that actions be taken to comply with the provisions of this bylaw and specify in the permit the fire fighting equipment to be provided on the site of the fire or any other precautions.
12. The dates on which a permitted outdoor fire may burn shall be stated on the permit.
13. An Officer may refuse to issue a permit when the Officer considers that it is not safe for the proposed fire to be started or maintained and may, without limiting what the Officer may take into account, consider weather conditions, site conditions and availability of Fire/Rescue personnel to extinguish the proposed fire.
14. An Officer may suspend or cancel a permit issued pursuant to Section 8 when, in the opinion of the Officer, the fire conditions relevant to the fire becomes unsafe or a nuisance, and may reissue the permit at a later date.
15. The permit holder shall inspect the fire site following the permit expiration date and within four (4) hours of the cessation of the fire and ensure that the fire is extinguished.



**INSPECTIONS AND ORDERS**

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

**OFFENSES**

- 18. Any persons who violates any of the provisions of this bylaw or suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses or omits or neglects to fulfil, observe, carry out or perform any duty imposed by this bylaw, shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00); or if an information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule "B" of this bylaw
- 19. Each day on which a contravention of this bylaw occurs, constitutes a separate offence.

**SEVERABILITY**

- 20. If any section or clause of this bylaw is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the invalid and severed section, subsection or clause.
- 21. Schedules "A" and "B" form a part of and are enforceable in the same manner as this bylaw.

**REPEAL**

- 18. That upon adoption of the bylaw, Bylaw No. 851-2008 being the "Town of Lake Cowichan Outdoor Burning Regulation Bylaw No. 851-2008" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 15<sup>th</sup> day of December, 2009.

READ A SECOND TIME on the 15<sup>th</sup> day of December, 2009.

READ A THIRD TIME on the 23<sup>rd</sup> day of February, 2010.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 23<sup>rd</sup> day of March, 2010.

\_\_\_\_\_  
 Ross Forrest  
 Mayor

\_\_\_\_\_  
 Joseph A. Fernandez  
 Corporate Officer

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan Outdoor Burning Regulation Bylaw No. 878-2009" as adopted on the 23<sup>rd</sup> day of March, 2010.

\_\_\_\_\_  
Corporate Officer



**TOWN OF LAKE COWICHAN**

**BYLAW NO. 878-2009**

**Schedule "A"**

(attached to and forming part of Bylaw No. 878-2009)

The information on this form is collected under the authority of the *Community Charter*, s. 53. The information provided will be used to process your application. If you have any questions about the collection and use of this information, contact the Chief Administrative Officer, 749-6681.

**TOWN OF LAKE COWICHAN  
APPLICATION FOR FIRE PERMIT**



DATE.: \_\_\_\_\_

PERMIT FEE: \$100.00

PERMIT NO.: \_\_\_\_\_

RECEIPT NO.: \_\_\_\_\_

APPLICATION FOR:  SPECIAL OCCASION     CEREMONIAL FIRE     AIR CURTAIN BURN

This permit authorizes:	
<b>APPLICATION INFORMATION</b>	
NAME OF APPLICANT(S):	
APPLICANT'S ADDRESS:	
CITY:	POSTAL CODE:
PHONE:	FAX:

To have an outdoor fire on the property located at:
<b>PROPERTY INFORMATION</b>
LEGAL AND CIVIC ADDRESS OF PROPERTY:
_____

Provided that all reasonable precautions are taken to prevent the spread of fire and to keep in under control and is subject to immediate cancellation at the direction of the Town of Lake Cowichan Volunteer Fire Department.

This permit expires on \_\_\_\_\_  
*date*

<b>APPROVED BY:</b>
_____
Lake Cowichan Volunteer Fire Department

***APPLICATION WILL NOT BE PROCESSED UNLESS ACCOMPANIED BY APPLICABLE FEE***



**TOWN OF LAKE COWICHAN**

**BYLAW NO. 878-2009**

**Schedule "B"**

(attached to and forming part of Bylaw No. 878-2009)

**F I N E S**

<b>Description of Offence</b>	<b>Bylaw Section</b>	<b>Amount of Fine</b>
Start or Maintain Without Supervision	3(e)	\$100
Burn Prohibited	8 and 9	\$100
Fire without a permit	10	\$500
Interfere with egress or access	16 and 17	\$200

