

VILLAGE OF KASLO

BYLAW NO. 1213, 2018

Being a bylaw to regulate outdoor burning and fireworks
in the Village of Kaslo

The Council of the Village of Kaslo in open meeting assembled, enacts as follows:

Title

1. This bylaw may be cited as the “Village of Kaslo Outdoor Burning Regulation Bylaw No. 1213, 2018”.

Interpretation

2. In this bylaw;

“Category 1 Fire” is a cooking fire or fire for ceremonial purposes contained within a barbecue pit or fire pit not exceeding .5 m by .5 m; or within a manufactured gas, coal or electric barbecue;

“Category 2 Fire” is an outdoor fire which occurs in garden waste consisting of non-toxic garden materials stored on a parcel of land, and includes grass clippings, leaves and branches pruned from trees and shrubs in piles not exceeding 1 m in height and 1.5 m in width;

“Category 3 Fire” is an outdoor fire which occurs in combustibles which are in piles exceeding 1 m in height and 1.5 m in width, but not exceeding 2 m in height and 3 m in width;

“Category 4 Fire” is an outdoor fire which occurs in waste resulting from the demolition or construction of a building or structure, or a land clearing fire.

“Consumer Fireworks” means outdoor, low-hazard recreational fireworks (Canadian Class 7.2.1) such as showers, fountains, golden rain, Roman Candles, volcanoes as may be designated under the provisions of the Natural Resources Canada “Display Fireworks Manual”, but excludes sparklers.

“garden refuse fire” means an outdoor fire in which garden refuse is deliberately burned for disposal;

“High Hazard fireworks” means those fireworks defined as such under the Explosives Regulations made under the current federal legislation;

“land clearing fire” means an outdoor fire of trees, bushes and other indigenous growth piled together by machine in order to clear land in preparation for construction or planting;

“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 that person duly appointed by Council to lawfully act upon enforcing the bylaw, including the RCMP, Kaslo and Area ‘D’ Fire Chief, Kaslo and Area ‘D’ Deputy Fire Chief, Bylaw Enforcement Officer, Public Works Crew and Chief Administrative Officer;

“outdoor fire” means a fire that burns outdoors in the open air that is not enclosed in a fireplace, fire pit, furnace or other such device;

“permit” means a permit required or issued under this bylaw.

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 material, pesticide or herbicide in an outdoor fire;
 - (c) burn, in an outdoor fire, material 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) burn for more than twenty-four (24) consecutive hours.
 - (f) burn outdoor fires contrary to Government of British Columbia fire bans announced Province-wide or regionally without the written consent of Council and the Regional District of Central Kootenay (Kaslo & Area ‘D’) Fire Department.

4. The following types of outdoor fires may be started and maintained at any time without a permit, subject to regulation under Section 8(d) of this bylaw:
 - (a) Category 1 Fires; and
 - (b) fires started and maintained by the Regional District of Central Kootenay for fire department training purposes or to prevent commencement or spreading of fire; and
 - (c) Category 2 and 3 fires required by the Village of Kaslo for municipal operations or contracted activities when the venting index is favourable and the forest fire threat level is low.

General Regulations - Category 2 Fires

5. No person shall start or maintain a Category 2 Fire
 - (a) except between October 1st to May 15th inclusive, yearly.
 - (b) within thirty (30) feet of any building, structure, overhead wires or cables;
 - (c) unless a person nineteen (19) years of age or older is, at all times, present at the burning site when the fire is burning, and until the fire is totally extinguished, for the purposes of supervising and extinguishing the fire;
 - (d) unless a water hose, connected to an adequate water supply, and shovel is present for the duration of the fire and until it is extinguished.

General Regulations - Category 3 and Category 4 Fires

6. No person shall start or maintain a Category 3 or Category 4 Fire
 - (a) except between October 1st to May 15th inclusive, yearly.
 - (b) within thirty (30) metres from neighbouring residences and businesses, and five-hundred (500) metres from schools in session, hospital and facilities used for continuing care as defined under the Continuing Care Act;
 - (c) unless a person nineteen (19) years of age or older is, at all time, present at the burning site when the fire is burning and until the fire is totally extinguished, for the purposes of supervising and extinguishing the fire;

- (d) unless a water hose, connected to an adequate water supply, shovel and/or excavation machine is present at the burning site;
- (e) unless it is permitted under the Southern Interior Ventilation Index as prescribed in Schedule “B” of this bylaw.

Permits

7. (a) No person shall start Category 3-4 outdoor fires, other than those excepted from the bylaw in section 4, hereof, without first obtaining a permit. The form of application for a permit and the form of permit shall be substantially in the form of Schedule “A”, attached to and made a part of this bylaw.
- (b) No person shall start a Category 3 or Category 4 Fire without first paying a permit fee identified in the Village of Kaslo fees and Charges Bylaw. The maximum time a permit may be issued for shall be three days.
8. An Officer may
- (a) issue a permit in the form attached to this bylaw as Schedule “A”, from 8:00 a.m. to 4:00 p.m. at the Village of Kaslo Municipal Office, and;
 - (b) prior to issuing a permit, any Village of Kaslo Officer may inspect the proposed site of the fire and direct that actions be taken to comply with the provisions of this bylaw and;
 - (c) without limiting the generality of the foregoing, specify in the permit
 - (i) fire fighting equipment to be provided on the site of the fire or;
 - (ii) requirements to consult with the Kaslo and Area ‘D’ Fire Department;
 - (iii) any other precautions.
 - (d) limit any burning within the municipality, including Categories 1, 2, 3 and 4, to meet or exceed Province of BC restrictions in place at the time.
9. A permit shall state the dates on which a permitted outdoor fire may burn.
10. 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 Department personnel to extinguish the proposed fire.
11. An Officer may

- (a) suspend or cancel a permit issued pursuant to Section 8 when, in the opinion of the Officer, the fire conditions relevant to the fire become unsafe or a nuisance, and;
 - (b) may reissue the permit at a later date.
12. The permit holder shall inspect the fire site following the permit expiration date and, within four (4) hours of the cessation of the fire, ensure that the fire is extinguished.

Other Legislation

13. In addition to the requirements of this bylaw, all burning must meet the requirements of applicable regional bylaws and provincial legislation.

Fireworks

14. No person or organization shall:
- (a) Sell fireworks in the Village of Kaslo;
 - (b) Possess, light, hold, distribute to another person or persons, set off or explode any firework at any time within the Village of Kaslo, unless that person is over the age of 18;
 - (c) Set off or explode any High Hazard Fireworks within the Village of Kaslo unless they are a holder of an appropriate Fireworks Operator Certificate providing a service for a Village sanctioned public occasion or special event;
 - (d) Set off or explode any Consumer Fireworks within the Village of Kaslo to the effect of causing a public hazard, danger or nuisance;
 - (e) Set off or explode any Fireworks within the Village of Kaslo contrary to Government of British Columbia fire bans announced Province-wide or regionally.

Inspections and Orders

15. An Officer may
- (a) enter 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;

- (b) inspect premises for conditions which may cause a fire or increase the danger of a fire or increase the danger to persons;
- (c) order that the fire be immediately extinguished because of a contravention of this bylaw, and without immediate compliance, may dispatch the Regional District of Central Kootenay (Kaslo & Area 'D') Fire Department to extinguish the fire at the applicable call-out rate at the cost of the property owner or occupier;
- (d) make orders directing the owners or occupiers of property to bring their premises or a fire into compliance with this bylaw.
- (e) by their own forces or those of a contractor, immediately enter on a property and carry out the work described in bylaw compliance orders at the expense of the owner or occupier and, whether the order was directed at the owner or the occupier of the property, or both, recover the costs in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Community Charter*.

16. A person who contravenes this bylaw commits an offence and is liable on conviction to the penalties prescribed in the "Offence Act".

Offences

17.

- (a) No person shall commit any act or permit any act or thing to be done in contravention of this bylaw.
- (b) Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and:
 - (i) Shall be liable to any conditions set out in the Village of Kaslo Municipal Ticket Information (MTI) Bylaw; or,
 - (ii) Shall be liable, upon summary conviction, to the penalties provided under the Offence Act; or
 - (iii) Any combination of the above.
- (c) Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.
- (d) If any person fails to comply with the terms of any notice served pursuant to this bylaw,

the Village by its employees or other persons authorized to act on its behalf may enter the property and carry out such work as is required in order to bring the property into compliance with this bylaw at the expense of the person given such notice.

- (e) If the person given notice in accordance with the bylaw does not pay the costs of any action taken by Village employees or authorized persons on or before December 31 in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrears.
- (f) Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

Severability

- 18. If any section, subsection 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.

Schedules

- 19. Schedules “A” and “B” form a part of and are enforceable in the same manner as this bylaw.

REPEAL

- 20. BYLAW 1207 is hereby repealed.

IN FORCE AND EFFECT

- 21. This bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME this 9th day of January 2018;

READ A SECOND TIME this 9th day of January 2018;

READ A THIRD TIME this 9th day of January 2018;

RECONSIDERED AND ADOPTED this 23rd day of January 2018.

Mayor S. Hewat

CERTIFIED CORRECT:

Chief Administrative Officer

Chief Administrative Officer

SCHEDULE "A" - BURNING PERMIT

Authority is hereby granted to _____

Address _____ Phone _____

To set out fire upon the following described lands:

during the period of _____, 20__ to _____, 20__
subject to the provisions of the current adopted Outdoor Burning bylaw.

Date _____, 20__

Officer: _____ Permit Holder: _____

PERMIT HOLDER

Class of Fire: Category 2 _____ Category 3 _____ Category 4 _____

CONDITIONS OF PERMIT:

1. The permit holder shall be liable for all damages and costs of fire suppression caused by any fire set under this permit.
2. The permit holder shall be responsible to extinguish all fires by the expiry date of this permit.
3. No permit holder shall, on or in any fire, burn any oil, tar, batteries, plastic materials, tires, construction waste, or any other materials which produce heavy black smoke.
4. The permit holder shall place and keep an adult person at all times in charge of such fire while the same is burning or smouldering, and until such fire is completely extinguished and shall provide that person with efficient appliances and equipment required by the bylaw e.g. hoses, shovels, water supply, etc. in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life and property.
5. An Officer may revoke this permit if, in his/her opinion, weather conditions are such as to render the lighting of fires in open air hazardous.
6. The permit holder has been instructed to consult the Kaslo and Area 'D' Fire Department with respect to this permit if a Category 3 or Category 4 permit has been requested and, as such, understands that the the officer consulted may rescind this permit for any reason with the full support and authority of the Village of Kaslo.
7. All open air burning permits are subject to Provincial Fire Bans.

FOR STAFF: *Signed copy of this permit is to be sent to the Kaslo and Area 'D' Fire Department.*

SCHEDULE “B”

AIR QUALITY VENTILATION INDEX FOR THE KOOTENAYS

Before you burn:

1. The permit holder shall check the current Southern Interior ventilation index by calling 1-888-281-2992 for the most localised information available.
2. The current ventilation index must be “Good” for the first day and “Good” or “Fair” for the next two days of burning.
3. It is your responsibility to check the index on a daily basis. If the contact information on this schedule is out of date, please contact the Ministry of Environment for an updated information source.
4. You may be required to extinguish your fire if smoke and/or ash is deemed to be excessive or if the smoke and/or ash adversely impacts on surrounding areas.