

THE CORPORATION OF THE VILLAGE OF MCBRIDE
BYLAW NO 680, 2008

A bylaw to provide regulations for the control of burning

Whereas Section 8(3) of the Community Charter authorizes Council by bylaw to provide for the protection of persons and property;

And Whereas Council deems it expedient and desirable to provide such regulations with respect to regulating outdoor fires;

Now Therefore the Council of the Village of McBride, in open meeting assembled, **Hereby Enacts** as follows:

1. Title

This Bylaw may be cited as the “Village of McBride Open Burning Control Bylaw No. 680, 2008”.

2. Definitions

In this bylaw, unless the context otherwise requires:

Animal Organic Waste means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers.

Approval means acceptance as satisfactory to the Village of McBride

Council means the Municipal Council of the Corporation of the Village of McBride.

Debris means disturbed or undisturbed vegetative matter targeted for management or disposal by open burning;

Demolition Waste means any material resulting from or produced by the complete or partial destruction or tearing down of any structure.

Domestic Incinerator means any metal or masonry container equipped with a tight fitting wire screen lid of a mesh not greater than one centimetre (or 3/8”) to restrict any sparks or flying debris.

Fire Chief means the head of the Fire Department

Fire fighter means a member of the Fire Department

Garden Refuse means leaves, foliage, prunings, weeds, crops or stubble for domestic purposes or in compliance with the *Weed Control Act*

Garbage means all household and commercial waste or refuse, whether it contains the remains of edible food or not

Noxious Material includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar asphalt products, battery boxes, plastic materials, waste petroleum products, all of which may produce heavy black smoke or noxious odours

Open Burning means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere. Open burning includes burning of garden refuse in a domestic incinerator operated outdoors but it does not include charcoal fires contained within barbecues and hibachis for the purpose of cooking food

Order means any order, decision, requirement or direction given by the Fire Chief or his/her designate

Permit means a document issued pursuant to the provisions of this Bylaw authorizing a person to undertake open air burning under the conditions specified in the document.

Recreational Fire means the burning of wood for recreational purposes in a permanent outdoor fireplace, barbecue or fire pit not larger than 60 centimetres in diameter that is designed and constructed for such a purpose

3. **Open Air Burning**

- a) No person shall light, ignite or start or allow or cause to be lighted without making application for and obtaining a permit from the Village of McBride. With the exception of the fires started and maintained by the McBride & District Volunteer Fire Department for training purposes or to prevent the commencement or spreading of fire:
- b) A person who has obtained a permit under this Bylaw may carry out open burning debris on a parcel of land if:
 - i. The debris is open burned on the parcel of land from which it originated.
 - ii. The substances which normally emit dense smoke or noxious odours and those prohibited materials set out in Schedule "A" are not included with debris that is open burned.
 - iii. Every reasonable alternative for reducing, receiving or recycling debris has been pursued to minimize the amount of debris to be open burned.
- c) Open burning is prohibited during times specified by the Fire Chief or his/her designate as burning ban periods.
- d) Open grass burning is not permitted with the exception of fires started and maintained by the McBride & District Volunteer Fire Department for training purposes or to prevent the commencement or spreading of fire.
- e) No person shall conduct any open burning or maintain any recreational fire in such a manner as to discharge air contaminants that are likely to cause or significantly contribute to the cause of injury or damage to human health, plant

or animal life or property, or so as to unreasonably interfere with the enjoyment of life or property.

- f) No person shall conduct **open burning** or ignite or maintain any **recreational fire** if an **air quality advisory** has been issued.

4. **Distance from Building and Facilities During Burning**

- a) Recreation fires must be carried out at least 4.6 metres from all property lines and at least 3.0 metres from any combustible structure.
- b) The open burning of debris must be carried out at least:
 - i. 4.6m from all property lines and buildings and at least 3.0m from any grass, shrub, trees or wooden fence.
 - ii. Due care and consideration must be employed so that smoke from open burning of debris does not pose a hazard at airports or on provincial highways by significantly reducing visibility.

5. **Control of Fires**

- a) A person who has been issued a permit under this Bylaw must ensure that the fire is continuously supervised and controlled by a person who is at least nineteen (19) years old.
- b) The person supervising the fire must have emergency equipment that is immediately available and is capable of controlling or putting out the fire to prevent danger, damage and injury to persons or property.

6. **Burning of Garbage and Noxious Material**

- a) No person shall burn garbage and/or noxious material in an open fire, in a domestic incinerator or any similar device. Such action puts the persons in contravention of the Environmental Management Act.
- b) Attached as Schedule "A" is a list of prohibited materials.

7. **Inspection and Orders**

- a) The Fire Chief or his/her designate may:
 - i. 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 in compliance.
 - ii. Make order directing the owners or occupiers of property to bring the fire into compliance with this Bylaw;
 - iii. Prevent material not properly prepared (i.e. dried) from being added to this fire;
 - iv. Order the operator to immediately put the fire out.
- b) No person shall obstruct or prevent the Fire Chief or his or her designate from conducting an inspection under this bylaw.

8. Issuance of Burning Permits

- a) A written permit shall be in the form prescribed from time to time by the Village of McBride and shall be valid for specified days.
- b) The Village of McBride may withhold or cancel any permit issued where, in its opinion, the igniting of a fire may create a hazard or nuisance to persons or property.
- c) All permits issued pursuant to this Bylaw shall be subject to such conditions, restrictions and provisions as the Village of McBride may consider necessary and expedient to incorporate therein.

9. Cost Recovery

- a) Every owner/occupant of a property who starts or allows to be started any outdoor fire or open burning is responsible for such fire. If, in the opinion of the Fire Chief, the fire presents a hazard, has escaped or threatens to escape from the owner's control or is prohibited under the terms of this Bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the Village of McBride to control or extinguish the fire. The Costs and expenses, including penalties, may be recovered from the owner together with any administration costs in like manner as municipal taxes.

10. Liabilities for Damages

- a) This Bylaw shall not be construed to hold the Village of McBride nor its authorized agent or agents responsible for any damage to persons or property by reason of:
 - i. Inspections authorized by this Bylaw, or
 - ii. The failure to carry out an inspection, or
 - iii. A permit issued as herein provided.

11. Scope and Penalties

- a) In the event of there being any conflict between the terms and provisions of this Bylaw and the terms and provisions of the Fire Services Act or the Environmental Management Act and Regulations there under or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.
- b) Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.
- c) Any person found guilty of an infraction on any of the provisions of this Bylaw shall, be liable to a minimum fine of one hundred dollars (\$100).

12. Severability

If a competent jurisdiction declares any portion of this Bylaw invalid, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

13. Enactment

Bylaw No. 413, 1986 is hereby repealed.

READ A FIRST TIME THIS	24	DAY OF	June	2008.
READ A SECOND TIME THIS	24	DAY OF	June	2008.
READ A THIRD TIME THIS	08	DAY OF	July	2008.
RECONSIDERED AND ADOPTED THIS	22	DAY OF	July	2008.

Corporate Officer

Mayor

*Certified a true copy of the
"Village of McBride Open Burning Control
Bylaw No. 680, 2008" as adopted.*

Corporate Officer

Bylaw No. 680

Village of McBride Open Burning Bylaw

Schedule "A"

The following material must not be included with debris that is burned:

<i>Tires</i>	<i>Treated Lumber</i>
<i>Plastics</i>	<i>Railway Ties</i>
<i>Drywall</i>	<i>Manure</i>
<i>Demolition Waste</i>	<i>Rubber</i>
<i>Domestic Waste</i>	<i>Asphalt</i>
<i>Paint</i>	<i>Asphalt Products</i>
<i>Special Waste</i>	<i>Fuel & Lubricant Containers</i>
<i>Tar</i>	<i>Biomedical Waste</i>

Bylaw No. 680
Village of McBride Open Burning Bylaw
Schedule "B"



Corporation of the Village of McBride
PO Box 519, McBride BC V0J 2E0
Tel. (250) 569-2229 Fax (250) 569-3276
Office Hours: 8:30 am - 4:30 pm (Mon.-Fri.)

Open Burning Permit

Applicant Name: _____

Street Address of where Fire will occur: _____

Conditions required for validating permit:

- a) No fire, except in a proper furnace, stove or combustion apparatus shall be left to burn at any time without a person of at least nineteen (19) years of age in attendance. All ashes or other residue, the ground, walls, vegetation, etc. surrounding the site of the fire for (10) feet shall be thoroughly wetted and all embers quenched by wetting or adequately covered with earth before such ashes, residue or site is left unattended.
- b) The following material must not be burned:

Tires	Treated Lumber
Plastics	Railway Ties
Drywall	Manure
Demolition Waste	Rubber
Domestic Waste	Asphalt
Paint	Asphalt Products
Special Waste	Fuel & Lubricant Containers
Tar	Biomedical Waste

And any other material not listed that may cause Air Quality Concerns
- c) Size of burn pile cannot exceed 8 cubic feet (2'x2'x2')
- d) Burning must not be initiated if the local air flow will cause the smoke to negatively impact on a nearby population.
- e) Period during which permit is valid: _____

As the applicant I agree to carry out any fire authorized by this permit in accordance with all relevant enactments, including the Fire Services Act of British Columbia and Regulations, the Forest Act of British Columbia and Regulations and the Waste Management Act of British Columbia and Regulations and the Wildfire Act of British Columbia and Regulations and to release and indemnify and save harmless the Village of McBride from any and all claims and liability which I or any other person may have against the Village of McBride from the Fire authorized by this permit.

THIS PERMIT MAY BE CANCELLED AT ANY TIME BY THE VILLAGE OF MCBRIDE, THE FIRE CHIEF OR HIS DESIGNATE.

I have read and understand the conditions _____ Village of McBride
Of this burning permit.

Permittee Signature: _____ by: _____

Phone No. _____