

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2898, 2020

A bylaw to regulate Open Burning within the Regional District of Okanagan-Similkameen Fire Protection Areas.

WHEREAS it is deemed desirable and expedient to provide for regulations of Open Burning within the Regional District of Okanagan-Similkameen and,

WHEREAS it is deemed desirable and expedient to provide regulations for the prevention and spread of fire and for the preservation of life within the boundaries of the fire protection areas of Kaleden, Naramata, Okanagan Falls, Willowbrook, and Anarchist Mountain of the Regional District of Okanagan-Similkameen,

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

PART I – CITATION

1. This Bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen Open Burning Regulations Bylaw No. 2898, 2020”

PART II – DEFINITIONS

1. **“Authorization”** means acceptance as satisfactory to the Fire Chief.
2. **“Bear Banger”** means a loud explosive type noisemaker that is launched from a hand held devise to ward off bears.
3. **“Burn Season”** means the time period when approved open burning can take place.
4. **“Bylaw Enforcement Officer”** means an individual appointed by the Board of Directors of the Regional District as a Bylaw Enforcement Officer.
5. **“Campfire”** means an open fire that burns wood in one pile not exceeding 0.5 m in height and 0.5 m in width and specifically for heating or warmth, cooking or Indigenous ceremonial purposes.
6. **“Chimney”** means a vertical channel or pipe that conducts smoke and combustion gases up from a fire.
7. **“Compostable Materials”** means waste products from plants, trees or other vegetation that is naturally biodegradable including grass clippings, leaves, tree needles, garden waste and weeds.
8. **“Fire Chief”** means the officer in charge of a Fire Department as appointed, after consultation, by the CAO and in the absence of the Fire Chief, his or her designate.

9. **“Fire Department”** means the established volunteer Fire Department for a given Fire Protection Service Area.
10. **“Fireworks”** means cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes and any other explosive designated as a firework by regulation.
11. **“Nuisance”** means, in this bylaw, Smoke that creates unreasonable discomfort or inconvenience to persons in the vicinity.
12. **“Open Burning”** means the combustion of Permitted Burning Materials using an open fire.
13. **“Open Fire”** means the combustion of material without using a stack or chimney to vent the emitted products of combustion to the atmosphere. Open Fire does not include a fire vented through a structure that has an approved flue and spark arrestor and is incorporated in a building.
14. **“Outdoor Stove”** means a device that uses liquid or gaseous fuel, or briquettes, and is manufactured for the purpose of heating or cooking. It does not include a fire vented through a structure that has an approved flue and is incorporated in a building.
15. **“Permitted Burning Materials”** means parts of trees or other vegetation that does not constitute compostable materials and includes prunings, branches, trunks and tree stumps.
16. **“Prohibited Burning Materials”** includes but not limited to those materials referenced in the *Open Burning Smoke Control Regulation* and listed in the *Waste Discharge Regulation*, enacted pursuant to the *Environmental Management Act* as amended from time to time, and includes:

<ol style="list-style-type: none"> a. animal carcasses and waste from animal slaughtering b. Asphalt or asphalt products c. batteries d. biomedical waste e. cardboard f. carpets g. construction waste other than lumber that has not been treated with wood preservatives or other chemicals and is not coated with paint, varnish, oil or other finishing material or glue h. demolition waste i. drywall j. domestic waste k. electric wire 	<ol style="list-style-type: none"> l. fibreglass and other fibre-reinforced polymers m. fuel and lubricant containers n. furniture and appliances o. hazardous materials p. manure q. paint and varnish r. paper products s. plastics t. polystyrene foam u. railway ties v. rubber w. tar paper x. tires y. treated or painted wood products z. used oil
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17. **“Regional District”** means the Regional District of Okanagan-Similkameen, or the area included therein as the context may require.
18. **“Smoke”** means the gasses, particulate matter and all other products of combustion emitted into the atmosphere from open burning.
19. **“Torch”** means a long stick of wood, bamboo, metal or plastic, with flammable material at one end, which is ignited and used to provide light.

PART III – Burning Season

1. Open Burning shall only occur as follows:
 - a. Campfires may occur year round provided there is not a Provincial fire ban applicable to campfires.
 - b. Notwithstanding Part III section 1.a., the Fire Chief may impose a Campfire ban in a fire protection area.
 - c. Permitted Burning Material piles and stubble grass burns shall be restricted between the period of October 15 at 0001hrs until April 15 2400hrs.
 - d. Burning of infected woody material, outside of the burn season, shall only be burned after obtaining a burn registration number from British Columbia Wildfire Service and a direct clearance authorization from the Ministry of Agriculture, then submitting the said references with a permit application to the appropriate Fire Department. Should burning of infected woody material be required during a Provincial Burn Prohibition, an exemption from the British Columbia Wildfire Service shall also be required.
 - e. The Fire Chief may extend or reduce burning season should conditions allow or require.

PART IV – Approval to Burn

1. Open burning may be authorized where:
 - a. A request to burn is made in the form prescribed.
 - b. All requirements of this bylaw and Provincial enactments have been satisfied.
2. All requests for authorization for Open Burning may be subject to a site inspection by the Fire Chief.
3. The Fire Chief may refuse to authorize a request for Open Burning whenever, in his or her opinion, such burning is deemed unsafe, hazardous or may create a nuisance.
4. The Fire Chief may revoke authorization at any time.
5. The Fire Chief may invoke a complete fire restriction at any time should fire danger require it.
6. This bylaw shall not be construed to hold the Regional District or the representative Fire Department responsible for any damages to persons or property by reason of:
 - a. Inspections authorized by this bylaw;
 - b. The failure to carry out an inspection;
 - c. An authorization granted as herein provided.

PART V – OPEN BURNING

1. Any person who lights, fuels or uses a Campfire shall:
 - a. Ensure that it is safe to burn and that it will continue to be safe to burn.
 - b. Ensure that the Campfire has an adequate fuel break completely around the Campfire at all times.
 - c. Ensure that the Campfire is monitored at all times by a responsible adult.
 - d. Ensure that adequate firefighting hand tools and adequate water are immediately available to the responsible adult.
 - e. Ensure that the Campfire is completely out and cold before leaving the fire unattended.
 - f. Ensure that the Campfire is not ignited before 0600hrs and is extinguished before 2300hrs each evening, unless otherwise authorized by the Fire Chief.
 - g. Ensure that no burning occurs when the forecast is for windy period during or immediately after the burn.
2. Any person who lights, fuels or burns Permitted Burning Materials or burns stubble or grass shall:
 - a. Ensure that it is safe to burn and that it will continue to be safe to burn.
 - b. Ensure that burn area has an adequate fuel break completely around it.
 - c. Ensure that the burn area is monitored at all times by a responsible adult.
 - d. Ensure that adequate people are immediately available with firefighting hand tools to assist the responsible adult monitoring the burn.
 - e. Ensure that the fire is completely out and cold before leaving the fire unattended unless previously approved by the Fire Chief.
 - f. Ensure that the fire is not ignited before 0800hrs and is extinguished before 2300hrs each evening unless otherwise authorized by the Fire Chief.
 - g. Ensure that no burning occurs when the forecast is for windy period during or immediately after the burn.
3. The use of fireworks shall be in accordance with Provincial Regulations or Regional District Fireworks Bylaw.
4. Torches, including decorative patio torches, are prohibited during complete fire restricted times.
5. Bear bangers and other warning devices capable of starting fires are prohibited during complete fire restricted times.
6. All fires are subject to local and Provincial fire restrictions and are subject to withdrawal of approval at any time by an authority having jurisdiction.
7. A person who lights, ignites, or starts, or allows a fire to be lighted, ignited, or started, shall report any escape to 9-1-1 immediately and attempt to control any fire that escapes or threatens to escape from the intended burning area, shall stay on scene until fire is extinguished unless released by the Fire Chief or person acting on behalf of the Fire Chief.
8. The use of outdoor stoves and portable propane campfires are permitted unless specifically restricted by Provincial fire restrictions.
9. The burning of prohibited materials is not permitted under any circumstances.

PART VI – Smoke Management

1. A person who carries on open burning shall ensure that the open burning is carried on in accordance with the Environmental Management Act Open Burning Regulation B.C. Reg. 152/2019, and any other Provincial enactment, as amended from time to time.
2. The Fire Chief has authority to suspend open burning if he or she believes that the smoke from the burning is causing a nuisance or may cause an immediate health hazard.

PART VII - ENFORCEMENT

1. Offences listed in the Regional District's Bylaw Notice Enforcement Bylaw as amended are designated for enforcement.
2. In addition to the penalties which may be imposed under this bylaw, any person who breaches this bylaw and thereby causes the Regional District any direct or indirect expenses to remedy the breach, shall reimburse the Regional District for such expenses. The Fire Chief shall certify the expenses actually and necessarily incurred and the Regional District may recover the costs of undertaking the remedy either as a debt against the person in default or in the same manner and with the same remedies as property taxes.
3. In relation to any particular Fire Protection Service Area, the Fire Chief or his or her designate in such area may enforce the provisions of this bylaw.
4. A Bylaw Enforcement Officer may enforce the provisions of this bylaw.

PART VIII - LIABILITY

1. This bylaw shall not create a duty of the Regional District, its officers, employees, or persons acting on its behalf pursuant to this bylaw concerning enforcement or failure to enforce any matter contained in this bylaw.
2. No act, error, omission or other neglect of the Regional District in relation to any matter contained in the bylaw shall give rise to a cause of action or liability to any person.


PART IX – REPEAL

1. Bylaw No. 2364 Open Air Burning Regulations and any amendments thereto are hereby repealed

READ A FIRST, SECOND AND THIRD TIME this 17th day of September, 2020.

ADOPTED this 17th day of September, 2020


RDOS Board Chair


Corporate Officer