

TOWN OF QUALICUM BEACH
BYLAW NO. 601

A BYLAW TO REGULATE OUTDOOR BURNING

WHEREAS the Municipal Council deems it desirable and necessary to regulate outdoor burning;

NOW THEREFORE the Council of the Town of Qualicum Beach, in open meeting assembled hereby enacts as follows:

Interpretation

1. In this Bylaw:

“Agricultural Clearing Waste Fire” means an outdoor fire on a single lot not less than 2.5 acres (1 hectare) in size in which only waste originating from the land it is to be burned on to facilitate agricultural use and resulting from agricultural activities or from brush clearing, tree clearing or stump removal to facilitate agricultural use of the land zoned for such use is burned.

“Beach Fire” means a fire lit in a fire pit for the purpose of warmth, cooking, or ceremonial purposes in a non-combustible environment below the high tide line.

“Campfire” means a fire lit in a permanent approved campsite fireplace located in a provincial park or a privately owned and supervised commercial campground or resort.

“Garden Refuse” means any non-toxic garden materials gathered from any single lot not less than 2.5 acres (1 hectare) in size and includes grass clippings, leaves, branches pruned from trees and shrubs and similar garden materials.

“Garden Refuse Fire” means an outdoor fire in which garden refuse is burned.

“Noxious Material” includes tires, oil, tar, asphalt, shingles, batteries, household garbage, plastic and any other substance which produces heavy black smoke, noxious odors or toxic residue when burned.

“Officer” means the Fire Chief or the Deputy Fire Chief, or their designate(s), duly appointed from time to time to lawfully act in that capacity.

“Outdoor Fire” means every fire that burns in the open air and is not completely enclosed in an incinerator, furnace or other device.

“Outdoor Fireplace” means every fire that burns in the open air and is contained in a non-combustible device.

“Urban Containment Boundary” means the boundary established within the Regional Growth Strategy adopted by the Regional District of Nanaimo in 2003.

General Regulations - Outdoor Fires

2. The following types of Outdoor Fires may be started and maintained without a permit subject to the regulations of this bylaw:
 - a) cooking fires contained within a barbecue or fire pit having a surface area not greater than one (1) square meter;
 - b) fires started and maintained by the Qualicum Beach Fire Department for training purposes or to prevent the commencement or spreading of fire;
 - c) Beach Fires having a surface area not greater than one (1) square meter and not exceeding one (1) meter in height provided that a person nineteen years of age or older is, at all times, present at the burning site when the fire is burning for the purposes of supervising and extinguishing the fire.
 - d) Campfires in supervised campgrounds or resorts that have a surface area not greater than one (1) square meter and not exceeding one (1) meter in height contained within a fire pit;
 - e) fires contained within any outdoor fireplace provided that a person nineteen years of age or older is, at all times, present at the burning site when the fire is burning for the purposes of supervising and extinguishing the fire.
3. No person shall start or maintain any Outdoor Fire except a Garden Refuse Fire, an Agricultural Clearing Waste Fire or those defined and regulated in Section 2.
4. Every person who starts, maintains or permits or supervises an Outdoor Fire shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

General Regulations - Agricultural Clearing Waste Fires

5. No person shall start or maintain or permit an Agricultural Clearing Waste Fire:
 - a) on any property outside the Urban Containment Boundary that is 2.5 acres (1 hectare) or larger except during the periods from March 15 to April 15 and October 15 to November 15 in each year;
 - b) on any property within the Urban Containment Boundary;
 - c) without a person nineteen years of age or older present at all times at the burning site when the fire is burning, for the purposes of supervising and extinguishing the fire.

6. An Agricultural Clearing Waste Fire (machine stacked) shall require a permit as set out in attached Schedule "A" and shall only be used to burn waste originating and resulting from agricultural activities or from brush clearing, tree clearing or stump removal to facilitate agricultural use.
7. An Agricultural Clearing Waste Fire (machine stacked) shall only be conducted in conformance with the *Environmental Management Act (Open Burning Smoke Control Regulation)* as well as the requirements set out in Schedule 'B' "Ways to Minimize Smoke Pollution" and shall require approval from the Ministry of Environment prior to the issuance of a permit.

General Regulations - Garden Refuse Fires

8. No person shall start or maintain or permit a Garden Refuse Fire:
 - a) on any property within the Urban Containment Boundary;
 - b) on any property outside of the Urban Containment Boundary that is less than 2.5 acres (1 hectare);
 - c) on any property outside of the Urban Containment Boundary that is 2.5 acres (1 hectare) or larger except during the periods from March 15 to April 15 and from October 15 to November 15 in each year.
9. No person shall start or maintain or permit a Garden Refuse Fire as permitted under this bylaw:
 - a) to exceed 2m² in area;
 - b) to be located within ten (10) meters of any building or structure, overhead wiring or highway;
 - c) without a person nineteen years of age or older present, at all times at the burning site when the fire is burning, for the purpose of supervising and extinguishing the fire.
10. A Garden Refuse Fire may be started without a permit subject to the regulations contained in this bylaw and shall only be used to burn Garden Refuse originating on the parcel where the fire is located and no other material.

Inspections and Orders

11. An Officer may:
 - a) enter at all reasonable times on any property that is subject to 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) make orders directing the owners or occupiers of property to bring their premises or a fire into compliance with this bylaw;
 - d) if the owners or occupiers of a property fail to extinguish an outdoor fire as instructed by the Fire Chief or those persons authorized by him the

Town of Qualicum Beach may extinguish the fire and the property owner shall be responsible for all costs incurred by the Qualicum Beach Fire Rescue Department to extinguish the fire.

- e) restrict or ban some or all fires within the Town of Qualicum Beach by issuance of a public notice by means of an advertisement in the local newspaper and the Town of Qualicum Beach Website at any time that conditions may warrant (*ie. in conjunction with a Forestry ban or restriction*).
12. No person shall obstruct or prevent an Officer from carrying out an inspection under this bylaw.

Offence

13. Any person who contravenes any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty imposed by this bylaw shall:
- a) be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00);
 - b) be subject to fines contained within the Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw.

Repeal

14. "Town of Qualicum Beach Outdoor Burning Bylaw No. 539.02, 1996" is hereby repealed.

Title

15. This bylaw may be cited as "Town of Qualicum Beach Outdoor Burning Bylaw No. 601, 2007".

READ A FIRST TIME this 12th day of February, 2007.

READ A SECOND TIME this 28th day of February, 2007.

READ A THIRD TIME this 11th day of June, 2007.

ADOPTED this 9th day of July, 2007.

Mayor

Corporate Administrator

SCHEDULE "A"

PERMIT NO. _____
Permit pursuant to "Town of Qualicum Beach
Outdoor Burning Bylaw No 601, 2007".

**FIRE PERMIT FOR AGRICULTURAL CLEARING WASTE
FIRE within TOWN OF QUALICUM BEACH
FIRE PROTECTION DISTRICT**

Authority is granted to the Permittee, to set and maintain a fire at:

(the site)

for the purpose of Land Clearing, and during the 72 hour period from:

_____ to
(year/month/day)

(year/month/day)

(These dates to fall between March 15th and April 15th or between October 15th and November 15th.)

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Permittee shall be responsible for fires authorized by this permit.
2. The Permittee shall provide, **AT ALL TIMES DURING THE FIRE**, authorized by this permit:
 - a) A person 19 years of age or older, equipped with suitable tools and water to effectively safeguard the fire;
 - b) The following equipment:

Shall be on site at all times during burning.

3. The Permittee shall ensure that:
 - a) A permit is not to be issued for open burning within 100m of neighbouring residences and businesses or within 500m of schools in session, hospitals and facilities used for continuing care as defined under the *Continuing Care Act*.
 - b) Debris must be burned on the property from which it originated.
 - c) There must be a minimum of fifteen (15) days between burns on a parcel of land.
 - d) Comply with attached Ministry of Environment "Ways to Minimize Air Pollution" fact sheet.
4. The Permittee shall totally extinguish all fires authorized by this permit, on or prior to the expiration date of the permit; or shall extinguish them forthwith upon suspension or cancellation of the permit; or when instructed to do so by the Fire Chief or those persons authorized by him.
5. The Permittee shall totally extinguish all fires authorized by this permit, on or prior to the expiration date of the permit; or shall extinguish them forthwith upon suspension or cancellation of the permit; or when instructed to do so by the Fire Chief or those persons authorized by him.
6. This permit is subject to cancellation or suspension at any time without notice or cause.

I hereby certify that I have read and understand the conditions of this fire permit, and **I confirm** that I have read and understand "Town of Qualicum Beach Outdoor Burning Bylaw No.601, 2007". Any part of this bylaw may be superseded by higher authority, at any time.

Property Owner/Occupier:

Permittee:

(Print Name)

(Signature)

Phone Number: _____

Permit Fee: **\$45.00 + GST**

GST No. R108129206

Issued by: _____

Title: _____

SCHEDULE "B"

Province of British Columbia - Ministry of Environment Open Burning Smoke Control Regulation "Ways to Minimize Smoke Pollution" Fact Sheet

The issue of smoke created by land clearing debris is of concern to many British Columbians. In recognition of the need to minimize the amount of smoke created by agricultural land clearing debris, you are advised of the following:

1. Permit(s) will be issued for a maximum of 72 hours.
2. Ventilation index as forecasted by the Ministry of Environment must be considered "good" for the day of ignition and fair for the next day.
3. Debris must be clean and dry and be piled for a period not less than 90 days prior to the issuance of permit.
4. Clearances to property, structures or residences must comply with the requirements of the *Forest Act* and *Environmental Management Act*, as quoted in the permit.
5. Every reasonable effort must be made to reduce, reuse and recycle debris to minimize the amount of debris to be open burned.

The Town of Qualicum Beach WILL NOT issue burning permits for material that is considered to be suitable for utilization.