

**THE CORPORATION OF THE VILLAGE OF SAYWARD
IN THE PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 272, 1995**

BEING a bylaw of the Village of Sayward hereafter referred to as the "VILLAGE OF SAYWARD RESIDENTIAL BACKYARD BURNING BYLAW" to control and regulate residential backyard burning.

NOW THEREFORE the Council of the Village of Sayward in open meeting assembled, enacts as follows:

1.01 **TITLE**

This Bylaw may be cited as the "RESIDENTIAL BACKYARD BURNING BYLAW" No. 272, 1995.

1.02 In the 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 Fire Chief or an Officer of the Fire Department of the Corporation of the Village of Sayward;

COUNCIL means the Municipal Council of the Corporation of the Village of Sayward;

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 1 centimetre (or 3/8") to restrict any sparks or flying debris. It is used for the burning of dry segregated garden refuse from any single or multi-family dwelling unit occupied by a single-family or multi-family. Burning garden refuse in a domestic incinerator is classed as open burning defined under OPEN BURNING;

DOMESTIC WASTE MATERIALS means household material and food waste but does not include newspaper and cardboard;

FIRE CHIEF means the person appointed from time to time by Council, as head of the Fire Department, and shall be deemed to be a Municipal Officer as defined in the Municipal Act;

FIREFIGHTER means a member of the Fire Department of The Village of Sayward;

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;

INCINERATOR means a combustion device specifically designed for controlled high temperature burning of waste materials and equipped with a stack or chimney for discharge of contaminants (smoke) to the atmosphere. An incinerator does not include an outdoor “domestic incinerator” as defined above;

NOXIOUS MATERIAL includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waster, biomedical waste, tar, asphaltic 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 the Bylaw authorizing a person to undertake backyard burning under the conditions specified in the document;

SMOKE means the gases, particulate matter and products of combustion emitted into the atmosphere from burning; and

VENTILATION INDEX means the Environment Canada forecast ventilation index which provides regional information on airflow venting.

1.03 Open Burning (or Open Fires)

- A) In this section, “open burning” refers to burning of dry, combustible, segregated garden refuse as define in section 1.02.
- B) Open burning is prohibited during times specified by the Fire Chief as burning ban periods.
- C) A person shall not start or maintain an open fire, or cause or allow an open fire to be started or maintained unless the fire is allowed under subsection (D) or under a permit issued by the Fire Chief.
- D) The Fire Chief or his/her designate may withhold or cancel any permit issued where, in his/her opinion, the igniting of a fire may create a hazard or nuisance to persons or property, and the Fire Chief or his/her designate may extinguish any fire that is causing a nuisance to persons, or any fire started without a permit to do so.

1.04 Regulations for Burning

- 1. No person shall light, ignite, start, or burn any fire in the open air for burning residential waste, including yard material or garden refuse, without first having obtained a permit to do so from the Fire Chief.

2. A person may burn dry, segregated garden refuse as on open fire with a permit provided:
- (a) there are no alternative methods – e.g. leaf collection service, drop-off location for yard waste, chipping service – available for managing or disposing of the garden refuse (or vegetative yard waste);
 - (b) the garden refuse to be burned is thoroughly dried and fed to the fire in such a way that rapid ignition and burning occurs;
 - (c) the fire is for the purpose of tidying the premises where burning is taking place and the conditions ensure proper combustion of material being burned without risk of igniting surrounding material if left unattended;
 - (d) no burning occurs after daylight hours or under high wind conditions;
 - (e) no persons shall light, start, ignite or maintain any fire of any kind in the open air between the first day of January and the thirty-first day of December without firstly obtaining a permit from the Fire Chief.
 - (f) the fire is on the person's property and is at least 4.6 m from all property lines and building, and at least 1.5 m from any grass, shrub, trees, or wooden fence;
 - (g) for the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire is continuously supervised and controlled by a person who is a least sixteen years old;
 - (h) the person supervising the fire has emergency equipment that is readily available and is capable of controlling or putting out the fire in five minutes at any stage for the purposes in paragraph (g); and
 - (i) the person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance.

1.05 Burning of Garbage and Noxious Material

No person shall burn garbage and/or noxious material in an open fire in a domestic incinerator or in any other similar device. Such action puts the person on contravention of the Waste Management Act.

1.06 Inspection and Orders

The Fire Chief or any person under his or her designate:

- A) enter at all reasonable times on any property that is subject to the requirements or regulations of the Bylaw, to ascertain whether the regulations in the Bylaw or directions made under this Bylaw are in compliance;
- B) make orders directing the owners or occupiers of property to bring fire into compliance with this Bylaw;
- C) prevent material not properly prepared from being added to fire;

- D) call on BC Environment's Conservation Officers if a person is burning waste in contravention of the Waste Management Act;
- E) no person shall obstruct or prevent the Fire Chief or his/her designate from conducting an inspection under this Bylaw.

1.07 Favourable Weather for Smoke Dispersion

Unless otherwise directed by the Fire Chief, residential backyard burning must not be initiated unless the ventilation index is forecast as "good" for the period during which the burning is to take place.

1.08 Issuance of Burning Permits

- A) A written permit shall be in the form set out in Schedule A attached hereto, or to like effect, and shall be valid for seven days only, during the specified period designated under Section 1.04 (d) of this Bylaw. A person shall apply for a separate permit for each seven days of burning.
- B) The Fire Chief or his/her designate may withhold or cancel any permit issued where, in his/her opinion, the igniting of a fire may create a hazard or nuisance to persons or property.
- C) If at any time the Fire Chief or his/her designate on account of the existence of hazardous conditions, inclusive of meteorological or ambient air quality conditions, deems it advisable, he/she may cancel or suspend for such time as it is necessary, any right to burn granted pursuant to the Bylaw, or he/she may attach to any or all such permits such conditions and restrictions as deemed proper.
- D) All permits issued pursuant to this Bylaw shall be subject to such conditions, restrictions and provisions as the Fire Chief or his/her designate may consider necessary and expedient to incorporate therein.

1.09 Cost Recovery

Every owner/occupant of a dwelling 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 to control or extinguish the fire. In addition, the Fire Department may levy fines as it deems appropriate. The costs and expenses, including penalties, may be recovered from the owner together with any administration costs in like manner as municipal taxes.

1.10 Liabilities For Damages

This Bylaw shall not be construed to hold the Village of Sayward nor its authorized agent or agents responsible for any damage to persons or property by reason of:

- (a) Inspections authorized by this Bylaw, or
- (b) The failure to carry out an inspection, or
- (c) A permit issued as herein provided.

1.11 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 Waste Management Act and regulations thereunder or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.
- B) Any person guilty of an offence under this Bylaw shall be punishable as a minimum, in accordance with the appropriate Municipal Offence Act.
- C) Any person who commits an offence contrary to the provisions of this Bylaw shall be liable to a maximum fine of two thousand dollars (\$2000.00) or to imprisonment not exceeding six months, or to both for the violation related to this Bylaw.
- D) Each day a violation is caused or allowed to continue constitutes a separate offence.

1.12 IF ANY SECTION, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

1.13 This Bylaw comes into effect on the day it is registered with the inspector of Municipalities for British Columbia.

READ A FIRST TIME THIS THE 22nd DAY OF February, 1995.

READ A SECOND TIME THIS THE 22nd DAY OF February, 1995.

READ A THIRD TIME THIS 22nd DAY OF March, 1995.

ADOPTED THIS THE 12th DAY OF April, 1995.

signed by Heather M. Sprout, Mayor

signed by Jean Phye, Clerk/ Treasurer

I hereby certify the forgoing
to be a true copy of Bylaw No.
272, 1995, cited as "Village of Sayward
Residential Backyard Burning Bylaw
No. 272, 1995"

signed by Jean Phye, Clerk

