

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BY-LAW NUMBER 98-008

A BYLAW OF THE CORPORATION OF THE DISTRICT OF SUMMERLAND TO
AMEND BYLAW NUMBER 2421 BEING THE FIRE AND LIFE SAFETY BYLAW

WHEREAS it is deemed desirable to amend Bylaw Number 2421, being the Summerland Fire and Life Safety Bylaw;

NOW THEREFORE, The Municipal Council of the Corporation of the District of Summerland in Open Meeting assembled, ENACTS AS FOLLOWS:

1. That Part VIII - Open Air Burning be replaced with the following new Part:

PART VIII-OPEN AIR BURNING

DEFINITIONS

Unless the context otherwise requires:

Building means a temporary or permanent structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and / or equipment;

Business means any establishment for carrying on a commercial or industrial undertaking of any kind or nature, or providing of professional, personal, or other service for gain or profit. This includes a home based business;

Campfire means a fire not exceeding 75 cm. in diameter and 75 cm. in height, intended for and used solely for the preparation of food;

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;

Dwelling means a residence providing sleeping, washrooms, and a kitchen intended for domestic use for a household;

Fire pit means a non-combustible enclosure, being a minimum of 30 cm in height; having a minimum of three sides, if rectangular; and having a maximum outside width of 1 metre and length of 1 metre; or having a maximum diameter (if round) of 1 metre; and being a minimum of 30 cm. in height;

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

Highway includes a street, road, lane, bridge, viaduct and any other way open to the public use, but does not include a private right of way on private property;

Nuisance means the emission into the atmosphere of smoke by any means which disturbs the comfort or convenience of persons in the vicinity;

Open air 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;

Permitted burning materials means parts of trees or other vegetation that does not constitute compostable materials and will include prunings, branches, trunks and tree stumps;

Prohibited burning materials means waste material including demolition, renovation or construction waste material and those materials listed in the *Open Burning Smoke Control Regulation* enacted pursuant to the *Waste Management Act* as amended from time to time including the following:

tires	treated lumber
plastics	railway ties
drywall	manure
demolition waste	rubber
domestic waste	asphalt
paint	asphalt products
special waste	fuel and lubricant containers
tar paper	biomedical waste

Public facility means any building or portion of a building which is primarily intended for use by the public and is accessible with or without charge to the public;

Smoke means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned including, without limitation, smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia;

1. FIRE PERMIT REQUIREMENT

- 1.1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air, without first obtaining a written "Fire Permit" to do so from the Fire Chief or his appointee, except as follows:
 - A. The operation of a permanent outdoor barbeque or portable outdoor barbecue, intended for and used solely for the preparation of food.
 - B. The operation of Municipally installed fire pits located on Municipal beaches and parks, or privately installed fire pits located in campgrounds and tourist parks as approved by the Municipality.
 - C. Necessary burning by the District of Summerland, including fire department authorities for the purposes of education, training and for fire safety purposes.
 - D. Campfires, intended for and used solely for the preparation of food.
- 1.2 Every person to whom a "Fire Permit" has been issued will place and keep a competent person at all times in charge while the fire is burning or smoldering and until the fire is completely extinguished and will provide such person with sufficient and adequate fire fighting appliances and equipment as is required in order to prevent the fire from getting beyond control or causing damage or becoming a danger to life and property. The term of each permit will be determined by the Fire Chief or his appointee, but will not exceed 72 consecutive hours.
- 1.3 The Fire Chief or his appointee may refuse to issue or may cancel a "Fire Permit" whenever, in his opinion, such burning is deemed hazardous or creates a nuisance.
- 1.4 The Fire Chief or his appointee may issue a "Fire Permit" to a property owner to ensure compliance with a Provincial Act or Legislation.
- 1.5 Every person who after registering their property with the fire department and meets the Open Air Burning Regulations and follows the procedure as outlined in the written "Fire Permit" may obtain a verbal "Fire Permit" via telephone from the Fire Chief or his appointee.

2. OPEN AIR BURNING REGULATIONS AND PROHIBITIONS

- 2.1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air except in accordance with the following regulations
- A. Only permitted burning materials will be burned;
 - B. All permitted burning materials to be burned will originate from the land on which it is to be burned;
 - C. All burning will be conducted and concluded between 7:00 a.m. and sunset of the same day except for burning permitted under section 2.1 D;
 - D. All burning of stumps and other materials exceeding 20 cm (8") in diameter may be maintained for a maximum of 72 hours if the fire is substantially smokeless, provided that no further combustible materials will be added to the fire after sunset of each day of the fire;
 - E. All fires will be continuously controlled and supervised by a competent person properly equipped with sufficient fire extinguishing equipment and material;
 - F. All fires will be maintained so as to not constitute a nuisance;
 - G. A minimum separation of:
 - a) 30 metres will be maintained between the location of the fire and any buildings and between any highway.
 - b) 100 metres will be maintained between the location of the fire and any buildings on neighbouring properties which may be a dwelling, business or public facility.
 - c) 500 metres will be maintained between the location of the fire and schools in session, hospitals and facilities used for continuing care as defined under the Continuing Care Act.
 - H. No open fires will be initiated unless the ventilation index as provided by Environment Canada is forecast as:
 - a) "good" for the day the open burning is to be started, and
 - b) "good" or "fair" on the second and third day the fire is anticipated to release smoke.
 - I. Open fires on each property must be separated by a smoke free period of at least 15 days and open fires will only be permitted on the same piece of property a maximum of 4 times per year. Each 72 hour burning period or permit request if less than 72 hours shall be considered 1 time.

3. CAMPFIRE REGULATIONS AND PROHIBITIONS

- 3.1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a campfire except in accordance with the following regulations:
- A. Only permitted burning materials, including seasoned untreated lumber, dry and seasoned firewood will be used in campfires.
 - B. Campfires will be continuously controlled and supervised by a competent person equipped with extinguishing equipment and material, and must be completely extinguished before the person leaves the area.
 - C. Campfires will be maintained so as not to cause a nuisance.


- D. Campfires will be contained within a fire pit.
- E. Campfires must be located a minimum of 5 metres from adjoining neighbouring property lines and buildings.
- F. Campfires, must be intended for and used solely for the preparation of food.
- G. Campfires will not be permitted between 11 pm. and 7 am.


4. **RESTRICTIONS**

- 4.1 No person will burn prohibited burning materials, compostable materials or garbage in the open air, campfire, fireplace or wood stove.
 - 4.2 All fires are subject to local fire hazard restrictions and Ministry of Forests fire hazard restrictions and are subject to cancellation at any time by an authority having jurisdiction.
 - 4.3 No person will construct or erect an incinerator, outdoor barbecue or other appliance for burning prohibited materials, compostable materials or garbage, nor will any enclosed fire be built, set or maintained outside the walls of a building at any time.
 - 4.4 No person will light, ignite or start or allow, or cause to be lighted, ignited or started a fire, when a reasonable person would know that the wind is strong enough to cause sparks or other burning material to be carried to combustible material.
 - 4.5 A person who lights, ignites, or starts, or allows a fire to be lighted, ignited, or started, will report and / or attempt to control any fire that escapes or threatens to escape from the intended burning area.
5. That Pages 17, 18, and 19 of Bylaw Number 2421 be rescinded and replaced with the foregoing.
6. That this Bylaw will take effect on date of adoption.

READ A FIRST, SECOND AND THIRD times this 11th day of May 1998.

RECONSIDERED, FINALLY READ AND ADOPTED by the Council of The Corporation of the District of Summerland, signed by the Mayor and Clerk and sealed with the Corporate Seal of the said Corporation this 25th day of May 1998.


MAYOR


CLERK