

DISTRICT OF UCLUELET

Bylaw No. 978, 2005

A bylaw to Regulate Outdoor Burning

WHEREAS the District of Ucluelet Council deems it desirable and necessary to regulate outdoor burning within the District of Ucluelet;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, hereby enacts as follows:

1. Definitions:

"Bylaw Enforcement Officer" means the person appointed by Council to enforce the regulations of this bylaw.

"Garden Refuse Fire" means any non-toxic garden materials gathered from any single lot to be burned, and includes grass clippings, leaves, branches pruned from trees, shrubs and similar garden material, which are hand piled having a surface area not greater than one (1) square meter (3.281 ft.) and not exceeding one (1) metre in height (3.281 ft.).

"Land Clearing Fire" means an outdoor fire in which only waste resulting from tree and brush clearing for the purpose of clearing land for developmental use is burned.

"Noxious Material" includes tires, plastics, drywall, demolition waste, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers, biomedical waste, tar, shingles, batteries, and any other substance which produces heavy black smoke, noxious odours or toxic residue when burned.

"Open Burning" means the combustion of material with or without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere.

2. Exempt Fires

1. The following outdoor fire may be started and maintained, **at any time, without a permit** and are excluded from the regulations of this bylaw:

- a) An open fire contained within a barbecue or fire pit for the purposes of cooking, warmth, and ceremony, or a beach fire contained within a fire pit and located below the high tide mark, if the burning is conducted in accordance with the following conditions:
 - (i) Before the fire is ignited, all combustible materials must be removed at least 3 (three) meters in every direction from the perimeter of the fire.
 - (ii) The fire must not be closer than 3 (three) meters to any snag, slash, standing tree or wooden structure.
 - (iii) The fire must not be more than 1 (one) square meter and not exceeding 1 (one) meter in height.
 - (iv) A pail containing at least 8 (eight) litres of water and a shovel must be kept

near the fire at all times.

(v) A person 18 (eighteen) years of age or older must be in attendance at the fire at all times.

(vi) The fire must be completely extinguished before the attending person leaves.

b) A fire started and maintained by the Ucluelet Volunteer Fire Brigade.

3. Land Clearing Fires

1. Land Clearing Fires may be started and maintained **with a permit**, subject to the following conditions:

a) Before the fire is ignited, all combustible materials must be removed at least 10 (ten) meters in every direction from the perimeter of the fire.

b) The fire must not be closer than 10 (ten) meters to any snag, slash, standing tree or wooden structure.

c) Land Clearing Fires must not exceed 5 (five) square metres and 5 (five) metres in height.

d) Open burning must not be initiated unless Environment Canada's ventilation index is forecast as:

i) "Good" for the day the open burning is to be started; and,

ii) "Good" or "fair" on the second day the debris is anticipated to release smoke.

e) Ventilation Index forecasting notwithstanding, open burning must not be initiated if, in the opinion of the District of Ucluelet, the local airflow will cause the smoke to negatively impact on a nearby population or cause pollution.

f) Open burning of land clearing debris must only include tree and brush materials resulting from the clearing of land for the purpose of developmental use.

g) Land clearing fires must only contain land-clearing waste from the property on which the open burn will be conducted.

h) Land clearing fires must not contain stumps that have been or will be cleared from the parcel of land on which the open burn is conducted.

i) Land clearing fires must only be carried out on property which is more than:

i) 100 (one hundred) metres from the nearest neighbouring residences or businesses; and/or,

ii) 500 (five hundred) metres from the nearest schools in session, daycares licensed under the provincial government, hospitals and/or facilities used for continuing care as defined under the Continuing Care Act.

j) A pressurized or mechanically driven water source capable of containing and/or extinguishing the land clearing fire and an excavator, backhoe or other machinery capable of containing the fire must be on site at all times.

k) A person 18 (eighteen) years of age or older must be in attendance at the fire at all times.

l) The fire must be completely extinguished before the attending person leaves.

- m) Compliance with all regulations and requirements of the Ministry of Water, Land & Air Protection Open Burning Smoke Control Regulation current at the time of application for a Burning Permit.
- n) Compliance with all District of Ucluelet applicable bylaws and regulations current at the time of application for a Burning Permit.

4. Burning Permit Applications:

- 1. The application for a Burning Permit shall be:
 - a) Signed by the owner of the property on which the fire will be located or his duly authorized agent, provided that in the case of partnerships or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all the owners or partners;
 - b) Accompanied by the non-refundable permit fee prescribed in the District of Ucluelet Administrative Fees, Rents and Charges bylaw current at the time of the application for a Burning Permit;
 - c) Accompanied by all approvals, as deemed necessary by the Chief Administrative Officer or Director of Corporate Administration for the District of Ucluelet.

5. Burning Permits

- 1. Burning Permits must be approved by the Chief Administrative Officer or the Director of Corporate Administration for the District of Ucluelet.
- 2. Upon approval, permits shall be valid for a 72 (seventytwo) hour period beginning on the date of approval.
- 3. A maximum of 4 (four) Burning Permits may be issued per calendar year per each individual parcel of property located within the District of Ucluelet boundaries.
- 4. A Burning Permit will not be issued if a land clearing fire or open burning has occurred on the parcel of land at any time during the preceding 15 (fifteen) days.
- 5. The issuance of a permit shall not be deemed to be a representation by the municipality that the property owner or authorized agent complies with any or all applicable bylaws or enactments. The property owner or authorized agent remains responsible to ensure compliance with all bylaws and enactments.

6. Garden Refuse Fires

Garden refuse fires are permitted during the first two weeks in April and the last two weeks in October, if the burning is conducted in accordance with the following conditions:

- 1. Before the fire is ignited, all combustible materials must be removed at least 3 (three) meters in every direction from the perimeter of the fire.
- 2. The fire must not be closer than 3 (three) meters to any snag, slash, standing tree or wooden structure.
- 3. The fire must not exceed one (1) square meter in width and one (1) meter in height.
- 4. A pail containing at least 8 (eight) liters of water and a shovel must be kept near the fire at all times.
- 5. A person 18 (eighteen) years of age or older must be in attendance at the fire at all times.

6. The fire must be completely extinguished before the attending person leaves.

7. Prohibitions

- 1) No person shall burn any noxious, explosive, corrosive or toxic material in an outdoor fire.
- 2) A person must not light, fuel or make use of an open 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.
- 3) A person who lights, fuels or makes use of a fire must extinguish it immediately when ordered to do so by the Bylaw Enforcement Officer.

8. Inspections

1. A Bylaw Enforcement 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 the directions made under this bylaw, are being observed.
 - b) Inspect property or premises for conditions that may cause a fire or increase the danger of fire or increase the danger to persons.
 - c) Make orders directing the property owner, occupiers or owner's agent to bring the property, premises or fire into compliance with this bylaw.
 - d) Direct a property owner, occupier or owner's agent to extinguish any type of fire, burning permit notwithstanding, at the Bylaw Enforcement Officer's discretion.
2. No person shall obstruct or prevent the Bylaw Enforcement Officer from carrying out an inspection under this bylaw.

9. Designation of Bylaw Enforcement Officer

1. For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following:
 - a) Bylaw Enforcement Officer for the District of Ucluelet
 - b) Fire Chief for the District of Ucluelet
 - c) Chief Administrative Officer for the District of Ucluelet
 - d) Superintendent of Public Works for the District of Ucluelet
2. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.

10. Violations/Penalties

1. No person shall prevent or obstruct, or attempt to prevent or obstruct, the Bylaw Enforcement Officer, or any other employee of the Municipality authorized to enforce the provisions of this bylaw.
2. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.

3. Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offense, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.

11. Ticketing

Fines and penalties for tickets issued for offences against this bylaw shall be in accordance with Schedule "A", attached hereto and forming part of this Bylaw.

12. Severability

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

13. Administrative Provisions

1. This bylaw may be cited as the District of Ucluelet Outdoor Burning Bylaw No. 978, 2005.
2. This bylaw hereby repeals the Village of Ucluelet Outdoor Burning Bylaw No. 732, 1996 and amendments thereto.

READ A FIRST TIME this 25th day of **January, 2005**

READ A SECOND TIME this 25th day of **January, 2005**

READ A THIRD TIME this 22nd day of **February, 2005**

ADOPTED this 8th day of **March, 2005**

CERTIFIED A TRUE AND CORRECT COPY of the "District of Ucluelet Outdoor Burning Bylaw No. 978, 2005."

Gale Shier
Municipal Clerk

THE CORPORATE SEAL of the
District of Ucluelet was hereto affixed
In the presence of:

Dianne St. Jacques
Mayor

Gale Shier
Municipal Clerk

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Schedule "A" Fines and Penalties

Description of Offense	Section	Fine - 1 st Offense	Fine – 2 nd and Subsequent Offenses
Uncontained fire	1(a)	\$100.00	\$200.00
Burning above high tide line	1(a)	\$100.00	\$200.00
Open fire less than required distance from combustibles	2.1(a)(i), 3.1 (a), 6.1	\$100.00	\$200.00
Open fire less than required distance from any snag, tree, or wooden structure	2.1(a)(ii), 3.1((b), 6.2	\$100.00	\$200.00
Fire exceeding measurement restrictions in width and/or height	2.1(a)(iii), 3.1(c), 6.3	\$100.00	\$200.00
No person or underage person in attendance at fire	2.1(a)(v) 3.1(k) 6.5	\$100.00	\$200.00
No water or shovel at site of fire	2.1(a)(iv) 6.4	\$100.00	\$200.00
Fire not completely extinguished	2.1(a)(vi) 3.1(l), 6.6	\$100.00	\$200.00
Burning without valid permit	3.1	\$250.00	\$500.00
Burning materials/waste not originating from property	3.1(f)(g)	\$150.00	\$300.00
Burning of any stumps	3.1(h)	\$150.00	\$300.00
Burning less than 100 meters from residence or business	3.1 (i)(i)	\$100.00	\$200.00
Burning less than 500 meters from any care facility	3.1(i)(ii)	\$100.00	\$200.00
Required water source, backhoe, excavator, machinery not present at burn site	3.1(j)	\$200.00	\$400.00
Burning with expired permit	5.2	\$100.00	\$200.00
Exceeding maximum number of burns per parcel of land	5.3	\$100.00	\$200.00
Burning Garden Refuse at non-permitted times	6	\$100.00	\$200.00
Burning noxious, explosive, corrosive, or toxic material	7.1	\$250.00	\$500.00
Burning when wind is strong	7.2	\$100.00	\$200.00

Refusing to extinguish fire	7.3, 8.1(d)	\$100.00	\$200.00
Non compliance of Bylaw Enforcement Officer orders	8.1©	\$100.00	\$200.00
Obstruction of Bylaw Enforcement Officer	8.2, 10.1	\$250.00	\$500.00