

City of Chilliwack

Bylaw No. 3511

A bylaw to provide for the regulation of open air burning.

WHEREAS the *Local Government Act* authorizes Council, by bylaw, to make regulations with respect to fire suppression and prevention and other classes of circumstances that may cause harm to persons or property;

AND WHEREAS the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community as related to the emission of smoke, sparks, dust, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;

AND WHEREAS the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to the protection of the natural environment;

NOW THEREFORE the Council of the City of Chilliwack in open meeting assembled enacts as follows:

CITATION

1. This Bylaw may be cited as **“Open Air Burning Regulation Bylaw 2008, No. 3511”**.

REPEAL

2. “Fire Regulation Bylaw 1998, No. 2558” and amendments thereto are hereby repealed.

INTERPRETATION

3. In this Bylaw:

“agricultural waste” means agricultural vegetative waste produced on real property designated as “Agricultural” as set out in the City’s Zoning Bylaw, in force from time to time;

“approved incinerator” means an noncombustible container placed upon a noncombustible base and fitted with a device or screen to contain sparks and flying debris;

“building” means any structure used or intended to be used for supporting or sheltering any use or occupancy;

“burning permit” means a document issued pursuant to this Bylaw authorizing a person to carry on an open air burn under the specific conditions as outlined in this Bylaw;

“burning season” means the single two month period of March to April, or October to November;

“campfire” means a fire not exceeding 75 cm in diameter and 75 cm in height, contained within a fire pit and located on real property designated as a campground;

“care facility” means a building or part thereof used by persons who require special care or treatment because of cognitive or physical limitations;

“City” means the City of Chilliwack;

“construction waste” means any material resulting from or produced by construction, renovation or repair of a building or structure;

“demolition waste” means any abandoned building or the material resulting from the destruction or tearing down of any building, whether partial or complete;

“Fire Department” means the City of Chilliwack Fire Department;

“Fire Chief” means the person appointed by Council as head of the Fire Department;

“garbage”; means all materials discarded as waste, but not including recyclables or yard trimmings or materials prohibited by the Solid Waste Collection and Disposal Bylaw, in force from time to time;

“land clearing waste” natural wood or vegetative waste generated by the clearing of land and originating from the subject property;

“open air burning” means any fire set outdoors and/or outside of a building;

“Order” means any order, decision, requirement or direction given by the Fire Chief or his/her designate;

“parcel of land” means all land within the boundaries of the City of Chilliwack;

“peat soils” means local peat deposits susceptible to underground burning as set out in Schedule “B”;

“stream” includes any of the following: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook; and a ditch, spring or wetland that is connected by surface flow from a watercourse, pond, lake, river, creek or brook;

“ventilation index” means regional air venting information as forecasted daily by Environment Canada.

BURNING PERMIT

4. Unless prohibited pursuant to Section 10 of this Bylaw, no person shall set out, start or kindle open air burning on parcel of land unless the person holds a valid burning permit issued pursuant to this Bylaw.
5. Any person wishing to set out, start or kindle open air burning shall first make application to the Municipal Development Department for a burning permit and pay the prescribed fee as set out in Schedule “A”.

6. The burning permit holder shall have the burning permit available on site for review by a Fire Department Officer or Bylaw Enforcement Officer.
7. All permitted materials to be burned must originate from the parcel of land on which it is to be burned;
8. The burning permit holder is responsible for the control, extinguishment and any damages caused by the fire.
9. A burning permit is required for the purpose of burning indigenous agricultural waste to control disease, weeds, crops or stubble produced on real property designated as “Agricultural”. The agricultural waste must have originated from the parcel of land where the open air burning is taking place.

OPEN AIR BURNING PROHIBITIONS

10. No person shall set out, start or kindle open air burning on any parcel of land designated as “Residential”, “Institutional”, “Commercial” or “Industrial” as set out in the City’s Zoning Bylaw, in force from time to time.
11. No person shall burn any of the following prohibited materials; oil, rubber, plastics, fertilizers, tires, material containing creosote, wiring insulation, petroleum products, biomedical waste, herbicides, pesticides, drywall, asphalt, paint, railway ties, asphalt products, chemicals, insulation, treated lumber, fuel and lubricant containers, garbage, recyclables, demolition waste, land clearing waste, *construction waste* or manure.
(AB #3586)
12. No person shall set out, start, or kindle open air burning except during the burning season as specified by the burning permit.
13. No person shall set out, start, or kindle open air burning when the ventilation index for the day of the burn is “poor”, as defined by Environment Canada.
14. No person shall set out, start or kindle open air burning between the hours of 10:00 p.m. and 7:00 a.m. daily.
15. No person shall set out, start or kindle open air burning or allow or permit open air burning to continue to burn during high winds.
16. No person shall set out, start or kindle open air burning on known peat soils, as prescribed in Schedule “B” to protect against the ignition of underground peat deposits.

CLEARANCES

17. No person who holds a burning permit shall set out, start or kindle open air burning:
 - (1) Within 3 metres of any hedge or fence or 6 metres of any other combustible structure when using an approved incinerator;

CLEARANCES (continued)

- (2) Within 15 metres of any Building, structure, fence or hedge when not using an approved incinerator.
- (3) Within 10 meters of any stream.
- (4) Exceeding 1.5 metres in height and 2 meters in diameter;
- (5) Within 500 metres of a hospital, school in session or care facility.
- (6) Within 30 metres of any public roadway; or,
- (7) Within 10 metres of any power poles and power lines.

MEANS TO CONTROL

18. *Every person to whom a burning permit has been issued must:*

- (1) *Place and keep a competent person, at all times, in charge and be present while open burning and until the open air burning is completely extinguished and will provide such person with sufficient and adequate fire fighting appliances and equipment as is required in order to prevent open air burning from getting beyond control or causing damage or becoming a danger to life and property; and,*
- (2) *Ensure the competent person attending the open air burning is over the age of 18.*
(AB #3586)

PUBLIC SAFETY

19. No person shall burn any material in any manner which:

- (1) Produces heavy or toxic smoke and/or fly ash which endangers the health, safety or welfare of persons or animals; or,
- (2) Causes smoke to obscure visibility and thereby creates a hazard to traffic on a public roadway.

RESTRICTION OR CANCELLATION OF PERMITS

- 20.** The Fire Chief or any member of the Fire Department may require any person to extinguish open air burning which has been set out, started or kindled in breach of any provision, condition or restriction of this Bylaw or any burning permit issued pursuant to this Bylaw.
- 21.** Where, in the opinion of the Fire Chief, hazardous open air burning conditions develop or exist, the Fire Chief may, at any time, make an Order cancelling or suspending all or any permits issued pursuant to this Bylaw, or attaching to all or any such permits any conditions or restrictions as the Fire Chief may deem necessary.

RESTRICTION OR CANCELLATION OF PERMITS (continued)

22. An Order made pursuant to Section 21 of this Bylaw shall be for such time as specified in the Order and shall become effective when it has been advertised once in a newspaper circulating in the City or when it has been advertised on two consecutive days by a radio station or television station which broadcasts in the City

EXEMPTIONS

23. This Bylaw does not apply to the normal use of charcoal, gas fired or electric grills and barbecues for the purpose of cooking food or approved gas fuelled outdoor fireplaces or heaters.
24. This Bylaw does not apply to a campfire in a designated campground within the City of Chilliwack, but these campfires are subject to restrictions and/or prohibition at the discretion of the Fire Chief due to hazardous fire conditions or poor smoke dispersion.
25. This Bylaw does not apply to open air burning set for the purpose of Fire Department “Live Fire” training exercises.

LIABILITIES FOR DAMAGES

26. This Bylaw shall not be construed to hold the City or its authorized agents responsible for any damage to persons or property by reason of a burning permit issued as herein provided or an inspection authorized by this Bylaw.

OFFENCE AND PENALTY

27. Every person who violates or breaches, or who causes or allows to be violated or breached, any of the provisions of this Bylaw shall be guilty of an offence against this Bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence.
28. Any person guilty of an infraction of this Bylaw shall be liable upon summary conviction to a fine or to imprisonment, or to both such fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended.
29. Any fee or charge authorized by this Bylaw may be entered upon the Assessment Roll as monies owing against the property and any such fee or charge remaining unpaid on December 31 of that year will be added to and form part of the taxes payable in respect of the property as taxes in arrears.
30. Any person who contravenes any of the provisions of this Bylaw, in addition to any other penalty provided for pursuant to this Bylaw, shall be liable to the City for the cost of fighting any fire which causes damage to lands or property as a result of such contravention, and the same may be recovered by action in any Court of competent jurisdiction at suit of the City.

SEVERABILITY

31. If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

“Open Air Burning Regulation Bylaw 2008, No. 3511” adopted on the 3rd day of March, 2008.
Amendment Bylaw No. 3586 adopted on the 17th day of November, 2008.

“Clint Hames”

Mayor

“Robert L. Carnegie”

Clerk

Schedule “A”

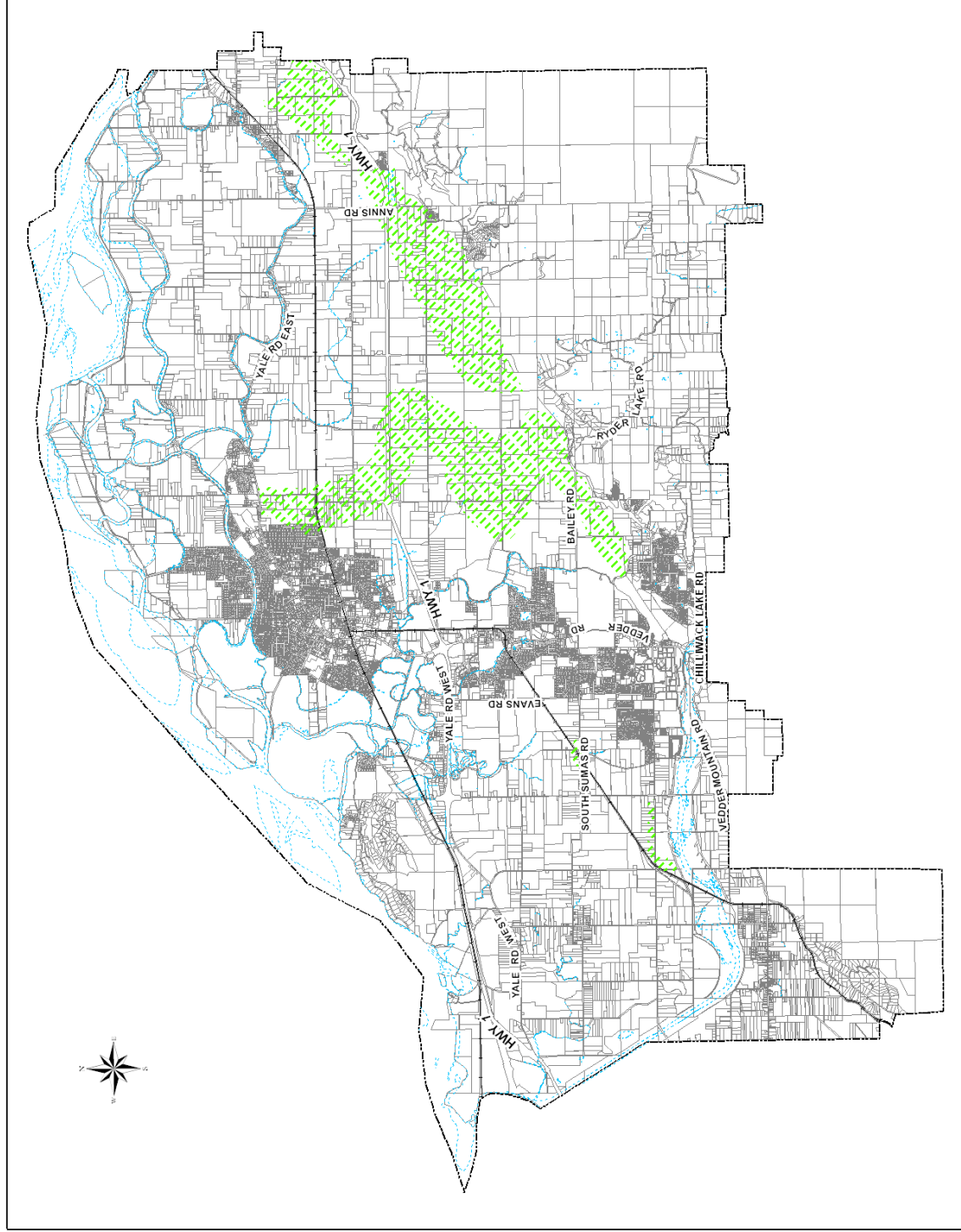
Open Air Burning Permit Fee Schedule

- 1. General Burning Permit: \$25.00**

Required for all open air burning, where and when permitted in accordance with this Bylaw, and is valid for a single two-month burning period only.

Schedule “B”

Map of Peat Soils



CITY
OF
CHILLIWACK

"OPEN AIR BURNING REGULATION
BYLAW 2008, No. 3511"
SCHEDULE "B"

KNOWN PEAT SOIL AREAS
CLOSED TO OPEN AIR FIRES

KNOWN PEAT SOILS

2000
0
1000
Meters

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