

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 920

A BYLAW TO REGULATE OUTDOOR BURNING

WHEREAS the Regional District of Nanaimo has under Section 767 (4) of the Municipal Act, converted the French Creek Fire Protection Specified Area to a local service known as the French Creek Fire Protection Local Service for a defined area of Electoral Area ‘G’;

AND WHEREAS, under Section 767 (6), a bylaw converting a service to one exercised under the authority of a bylaw establishing the service is deemed to be a bylaw establishing the service in respect of which it is adopted;

AND WHEREAS, when a Regional District establishes and operates a local service of fire prevention, the Board may exercise the same powers with the same limitations as a municipality under Section 700 of the Municipal Act;

AND WHEREAS the Board of the Regional District of Nanaimo deems it desirable and necessary to regulate outdoor burning in the French Creek Fire Protection Local Service Area;

NOW THEREFORE, the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. **Title**

This bylaw may be cited for all purposes as “Regional District of Nanaimo French Creek Fire Protection Local Service Area Outdoor Burning Bylaw No. 920, 1994”.

2. **Interpretation**

In this bylaw:

“**Agricultural Clearing Waste Fire**” means an outdoor fire in which only waste resulting from agricultural activities or from brush clearing, tree clearing, or stump removal to facilitate agricultural use of the land is burned.

“**Board**” means the Board of Directors of the Regional District of Nanaimo.

“**Clearing Waste Fire**” means an outdoor fire in which waste resulting from brush clearing, tree clearing, or stump removal is burned.

“**Construction Waste Fire**” means an outdoor fire in which only waste resulting from the demolition or construction of a building or structure is burned.

“**District**” means the Regional District of Nanaimo.

“**Garden Refuse**” means any non-toxic garden materials gathered from any single lot not exceeding one 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.

“Local Service Area” means the French Creek Fire Protection Local Service Area.

“Noxious Material” includes tires, oil, tar, asphalt, shingles, batteries, plastic and any other substance which produces heavy black smoke, noxious odours or toxic residues when burned or which is explosive or corrosive when burned.

“Officer” means a Fire Chief with authority for fire prevention and suppression within the Local Service Area, or the Manager of Operational Services of the District, or their designates, 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.

3. **Application**

This bylaw shall apply within the Local Service Area.

4. **General Regulations – Outdoor Fires**

The following types of outdoor fires may be started and maintained at any time.

- (a) cooking fires contained within a barbecue or fire pit having a surface area not greater than one (1) square meter.
- (b) fire started and maintained by the Fire Department having responsibility for fire prevention and suppression within the Local Service Area for training purposes or to prevent the commencement or spreading of fire.
- (c) fires in an incinerator.

5. No person shall start or maintain a construction waste fire or a clearing waste fire.

6. No person shall start or maintain an agricultural clearing waste fire unless that person has first obtained a permit from the Fire Chief of the Fire Department responsible for fire protection and suppression in relation to the parcel on which the clearing waste fire is to take place in accordance with this bylaw.

7. No person shall burn any noxious material in an outdoor fire.

8. No person shall start or maintain or permit a garden refuse fire:

- (a) other than during the periods from February 15 to April 15 inclusive and from October 15 to December 15 inclusive, in each year;
- (b) within ten (10) meters of any building, structure, overhead wiring or highway;
- (c) unless a person sixteen (16) years of age or older is, at all times, present at the burning site when the fire is burning, for the purpose of supervising and extinguishing the fire.

9. A garden refuse fire shall not exceed two (2) square meters in area and shall only be used to burn garden refuse originating on the parcel where the fire is located and no other material.

10. **Permit**

A Fire Chief referred to in Section 6 may issue a permit for an agricultural clearing waste fire where he or she considers it safe to do so.

11. **Inspections and Orders**

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.

12. No person shall obstruct or prevent an officer from carrying out an inspection under this bylaw.

13. **Offence**

Any person who violates any of the 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 be liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00).

14. **Severability**

If for any reason any section or subsection of this bylaw is held to be invalid by a Court of competent jurisdiction, it shall be severed from the bylaw and shall not affect the validity of the remaining parts of this bylaw or of this bylaw as a whole.

15. **Repeal**

“Regional District of Nanaimo Electoral Area ‘G’ Outdoor Burning Bylaw No. 854, 1992” is hereby repealed.

Introduced and read three times this 11th day of January, 1994.

Adopted this 11th day of January, 1994.

CHAIRPERSON

SECRETARY