

**VILLAGE OF NEW DENVER**

**BYLAW NO. 591, 2005**

Being a bylaw to regulate outdoor burning  
in the Village of New Denver

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The Council of the Corporation of the Village of New Denver in open meeting assembled, enacts as follows:

**Title**

1. This bylaw may be cited as the "Village of New Denver Outdoor Burning Regulation Bylaw No. 591, 2005".

**Interpretation**

2. In this bylaw;

"Category 1 Fire" is a cooking fire contained within a barbecue pit or fire pit having a surface area not greater than four (4) square feet; or within a manufactured gas, coal or electric barbecue;

"Category 2 Fire" is an outdoor fire which occurs in garden waste consisting of non-toxic garden materials stored on a parcel of land, and includes grass clippings, leaves and branches pruned from trees and shrubs not exceeding 1 m in height and 1.5 m in width;

"Category 3 Fire" is an outdoor fire which occurs in combustibles which are in piles exceeding 1 m in height and 1.5 m in width, but not exceeding 2 m in height and 3 m in width;

"Category 4 Fire" is an outdoor fire which occurs in waste resulting from the demolition or construction of a building or structure.

"garden refuse fire" means an outdoor fire in which garden refuse is deliberately burned for the purpose of disposal;

"land clearing fire: means an outdoor fire of trees, bushes and other indigenous growth piled together by machine in order to clear land in preparation for construction or planting;

"noxious material" includes tires, oil, tar asphalt, shingles, batteries, plastic and other substances which produce heavy black smoke, noxious odours or toxic residue when burned;

"officer" means that person duly appointed by Council to lawfully act upon enforcing the bylaw, including the RCMP, Fire Chief, Deputy Fire Chief, Administrator, Confidential Secretary and Public Works Department;

"outdoor fire: means a fire that burns outdoors in the open air that is not enclosed in a fireplace, fire pit, furnace or other such device;

"permit" means a permit required or issued under this bylaw.

### **General Regulations - Outdoor Fires**

3. No person shall
  - (a) except as expressly permitted by this bylaw, start or maintain any outdoor fire or permit any outdoor fire to burn on property owned or occupied by that person;
  - (b) burn any noxious, explosive, corrosive or toxic material, pesticide or herbicide in an outdoor fire;
  - (c) burn, in an outdoor fire, material brought from another location;
  - (d) light, ignite or start or allow or cause to be lighted, ignited or started, an outdoor fire without first obtaining a permit if required by this bylaw;
  - (e) start or maintain a land clearing fire;
  - (f) burn for more than twenty-four (24) consecutive hours.
4. The following types of outdoor fires may be started and maintained at any time without a permit and are excluded from the regulations of this bylaw, except during time periods of Ministry of Forests campfire bans;
  - (a) cooking fires contained within a barbecue pit or fire pit having a surface area not greater than four (4) square feet; or within a manufactured gas, coal or electric barbecue; and
  - (b) fires started and maintained by the Village of New Denver Fire Department for training purposes or to prevent commencement or spreading of fire.

### **General Regulations - Category 3 Fires**

5. No person shall start or maintain a Category 3 Fire
  - (a) except between April 1<sup>st</sup> to May 15<sup>th</sup> inclusive and from September 30<sup>th</sup> to November 15<sup>th</sup> inclusive, yearly;
  - (b) within one-hundred (100) metres from neighbouring residences and businesses, and five-hundred (500) metres from schools in session, hospital and facilities used for continuing care as defined under the Continuing Care Act;
  - (c) unless a person nineteen (19) years of age or older is, at all time, present at the burning site when the fire is burning and until the fire is totally extinguished, for the purposes of supervising and extinguishing the fire;
  - (d) unless a water hose, connected to an available water supply, shovel and/or excavation machine is present at the burning site;
  - (e) unless it is permitted under the Kootenay Ventilation Index as prescribed in Schedule "B" of this bylaw.

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**General Regulations - Category 2 Fires**

6. No person shall start or maintain a Category 2 Fire
  - (a) except between April 1<sup>st</sup> to May 15<sup>th</sup> inclusive and September 30<sup>th</sup> to November 15<sup>th</sup> inclusive, yearly;
  - (b) within thirty (30) feet of any building, structure, overhead wires or cables;
  - (c) unless a person nineteen (19) years of age or older is, at all times, present at the burning site when the fire is burning, and until the fire is totally extinguished, for the purposes of supervising and extinguishing the fire;
  - (d) unless a water hose, connected to an available water supply and shovel is present for the duration of the fire and until it is extinguished.

**General Regulations - Category 4 Fires**

7. No person shall start or maintain a Category 4 Fire.

**Permits**

8.
  - (1) No person shall start an outdoor fire, other than those excepted from the bylaw in section 4, hereof, without first obtaining a permit therefor. The form of application for a permit and the form of permit shall be substantially in the form of Schedule "A", attached to and made a part of this bylaw.
  - (2) No person shall start a Category 3 Fire without first paying a permit fee of Twenty Dollars (\$20.00). The maximum time a permit may be issued for shall be three days.
9. An Officer may
  - (a) issue a permit in the form attached to this bylaw as Schedule "A", from 8:00 a.m. to 4:00 p.m. at the Village of New Denver Municipal Office, and;
  - (b) prior to issuing a permit, any Village of New Denver Fire Department Officer may inspect the proposed site of the fire and direct that actions be taken to comply with the provisions of this bylaw and;
  - (c) without limiting the generality of the foregoing, specify in the permit
    - (i) fire fighting equipment to be provided on the site of the fire or;
    - (ii) any other precautions.
10. A permit shall state the dates on which a permitted outdoor fire may burn.
11. An Officer may refuse to issue a permit when the Officer considers that it is not safe for the proposed fire to be started or maintained and may, without limiting what the Officer may take into account, consider weather conditions, site conditions and availability of Fire Department Personnel to extinguish the proposed fire.

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12. An Officer may
  - (a) suspend or cancel a permit issued pursuant to Section 9 when, in the opinion of the Officer, the fire conditions relevant to the fire become unsafe or a nuisance, and;
  - (b) may reissue the permit at a later date.
13. The permit holder shall inspect the fire site following the permit expiration date and within four (4) hours of the cessation of the fire and ensure that the fire is extinguished.

#### **Other Legislation**

14. In addition to the requirements of this bylaw, all burning must meet the requirements of the Waste Management Act.

#### **Inspections and Orders**

15. An Officer may
  - (a) enter on any property that is subject to the requirements or regulations of 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) order that the fire be immediately extinguished because of a contravention of this bylaw;
  - (d) make orders directing the owners or occupiers of property to bring their premises or a fire into compliance with this bylaw.
16. A person who contravenes this bylaw commits an offence and is liable on conviction to the penalties prescribed in the "Offence Act".

#### **Offences**

17. Any person who violates any of the provisions of this bylaw or 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 Hundred Dollars (\$200.00).

#### **Severability**

18. If any section, subsection or clause of this bylaw is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the invalid and severed section, subsection or clause.

#### **Schedules**

19. Schedules "A" and "B" form a part of and are enforceable in the same manner as this bylaw.

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**Adoption**

20. This bylaw shall take effect upon adoption by Council.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

RECONSIDERED AND FINALLY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
MAYOR G.L. WRIGHT

\_\_\_\_\_  
ADMINISTRATOR

Certified a true copy of  
Bylaw No. 591, 2005

\_\_\_\_\_  
Administrator

**SCHEDULE "A" - BURNING PERMIT**

Authority is hereby granted to \_\_\_\_\_

Address \_\_\_\_\_ Phone: \_\_\_\_\_

To set out fire upon the following described lands: \_\_\_\_\_

\_\_\_\_\_

during the period of \_\_\_\_\_, 20\_\_ to \_\_\_\_\_, 20\_\_

subject to the provisions of Open Burning Regulation Bylaw No. 591, 2005.

Date \_\_\_\_\_, 20\_\_ Officer: \_\_\_\_\_

Permit Holder: \_\_\_\_\_

Class of Fire: Category 3

**CONDITIONS OF PERMIT:**

1. The permit holder shall be liable for all damages and costs of fire suppression caused by any fire set under this permit.
2. The permit holder shall be responsible to extinguish all fires by the expiry date of this permit.
3. No permit holder shall, on or in any fire, burn any oil, tar, battery boxes plastic materials, tires, construction waste, or any other materials which produce heavy black smoke.
4. The permit holder shall place and keep an adult person at all times in charge of such fire while the same is burning or smoldering, and until such fire is completely extinguished and shall provide that person with efficient appliances and equipment required by the bylaw e.g. hoses, shovels, water supply, etc. in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life and property.
5. The Officer may revoke this permit if, in his/her opinion, weather conditions are such as to render the lighting of fires in open air hazardous.

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**SCHEDULE "B"**

**AIR QUALITY VENTILATION INDEX FOR THE KOOTENAYS**

Before you burn:

1. The permit holder shall check the current ventilation index by calling:  
Kootenay Ventilation Index 1-877-922-3399  
Weekend Ventilation Index 1-900-565-5000
2. The current ventilation index must be "Good" for the first day and "Good" or "Fair" for the next two days of burning. You are subject to a \$50.00 fine if you burn when the ventilation index is not acceptable.
3. It is your responsibility to check the index on a daily basis.
4. You may be required to extinguish your fire if smoke and/or ash is deemed to be excessive or if the smoke and/or ash adversely impacts on surrounding areas.