

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW NO. 1915

### **(Consolidated for Convenience Only – Refer to Original Bylaw)**

A bylaw to regulate open burning, in order to reduce or eliminate the incidence of uncontrolled fires and the nuisance caused by the emission of smoke, in the fire protection areas of Electoral Areas “B” and “C”

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**WHEREAS** the Regional District has, by bylaw, established the service of Fire Protection and Control within the B.X. / Swan Lake Fire Protection Service area and the Silver Star Village Fire Protection Service area (the “B” and “C” fire service areas);

**AND WHEREAS** the Regional District has, by Bylaw 1727, established regulations for outdoor (open air) burning in the Electoral Areas “B” and “C” fire protection service areas;

**AND WHEREAS** the Regional Board deems it to be in the public interest to amend the open burning regulations to reduce the nuisance of smoke emissions and improve air quality in Electoral Areas “B” and “C”;

**NOW THEREFORE**, the Board of the Regional District of North Okanagan, in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

#### **CITATION**

1. This Bylaw shall be cited as the ***“Open Burning – Fire Regulation Bylaw No. 1915, 2004”***.

#### **DEFINITIONS**

2. In this bylaw:

**“air quality index”** means the function of transforming complex air quality measurements into a single number or descriptive term;

**“compostable materials”** means waste products from plants, trees, or other vegetation that are naturally biodegradable including grass clippings, leaves, tree needles, garden waste, and weeds;

**“construction waste”** means any material resulting from, or produced by, the complete or partial construction of a structure, including, but not limited to, pipe, concrete, asphalt, roofing material, masonry, wire, treated wood, particle board, paint, drywall, tar, and asphalt products; (B/L 2197/06)<sup>3</sup>

**“demolition waste”** means any material resulting from or produced by the complete or partial destruction or tearing down of a structure;

“**domestic waste**” means household material and food waste, but does not include newspaper and cardboard;

“**fire service area**” means that part of Electoral Areas “B” and “C” included in the *B.X. / Swan Lake Fire Protection Service area*, and that part of Electoral Area “C” included in the *Silver Star Village Fire Protection Service area*;

“**industrial / commercial waste**” means any material resulting from, or produced by, any business, manufacturer, process, trade, market, or other undertaking;  
(B/L 2197/06)<sup>3</sup>

“**inspector**” means a duly appointed bylaw enforcement officer, a *Local Assistant* to the Fire Commissioner, or a peace officer, or a designated member of a fire department;

“**inversion**” means a stable air mass where temperature increases with elevation and stagnant air remains near the surface;

“**Local Assistant**” means a person duly appointed by the Provincial Fire Commissioner to act as the Local Assistant within the *Regional District*;

“**negatively impacting**” or “**nuisance**” means the emission into the atmosphere of *smoke* from *open burning* which disturbs the comfort and convenience of the neighbourhood or of persons in the vicinity;

“**open air fire**” or “**open burning**” means the outdoor combustion of *permitted burning materials* with or 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 untreated wood, prunings, branches, tree trunks, stumps, or other vegetation that have been allowed to dry for at least one (1) year and that do not constitute:

- a. *compostable materials*; or
- b. the wood, trees, stumps, shrubbery, and woody debris that results from land being cleared or partially cleared of vegetation to help prepare the land for a different use;

“**prohibited materials**” means materials that must not be included with material that is open burned, and includes the following:

tires	treated lumber
plastics	railway ties
drywall	manure
<i>demolition waste</i>	rubber
<i>domestic waste</i>	asphalt
paint	asphalt products
special waste	fuel and lubricant containers
recyclable paper	recyclable cardboard
<i>construction waste</i>	<i>industrial / commercial waste</i> ;

(B/L 2197/06)<sup>3</sup>

“**Regional Board**” means the Board of the Regional District of North Okanagan;

“**Regional District**” means the Regional District of North Okanagan as described in its Letters Patent including the City of Armstrong, District of Coldstream, City of Enderby, Village of Lumby, Township of Spallumcheen, City of Vernon, and all Electoral Areas, but excluding lands located within a First Nations Reserve or lands vested in or under the jurisdiction of the Crown. All references to the *Regional District* shall include its officers, employees, agents, elected representatives, inspectors, or persons acting on its behalf;

“**small confined fire**” means a fire contained within a non-combustible base and edging, not exceeding one meter in diameter used for the purpose of cooking food;

“**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;

“**ventilation index**” means a measure of the atmosphere’s ability to disperse pollution.

## OPEN BURNING REGULATIONS AND PROHIBITIONS

3. Subject to Section 4 or Section 8, a person MUST NOT light or allow to be lighted an *open air fire*, including the use of an incinerator, burning barrel, or similar device, in the *fire service area*.
4. ~~During April 1st through April 15th inclusive, and November 1st through~~  
~~During March 15th through April 15th inclusive, During March 15th through~~  
~~April 30th inclusive, (B/L 2197/06) <sup>3</sup> and November 1st through (B/L 2019/05) <sup>2</sup>~~  
November 15th inclusive, a person may light, or allow to be lighted, an *open air fire* in the *fire service area* for the burning of *permitted burning material* only, if:
  - a. the *open burning* is on land of 1.0 hectare (2.5 acres) or greater in size;
  - b. the person responsible for the burn has obtained a permit from the *Regional District* and verified that the *Ventilation Index* and *Air Quality Index* are in the “good” range on the day of the proposed burn by calling the *Regional District* office or the toll free information line provided by the Ministry of Water, Land, and Air Protection;
  - c. the material to be open burned is on the parcel of land from which it originated;
  - d. there are no *prohibited materials* included with the materials to be open burned;
  - e. every reasonable alternative for reducing, reusing, or recycling has been pursued to minimize the amount of *permitted burning materials* to be open burned;
  - f. an open fire restriction order issued by the Forest Service is not in effect;
  - g. that a separation of at least 5 metres (16.25 feet) shall be maintained between the fire and property lines, bush, standing timber, and all structures;
  - h. that the person or persons responsible for the *open burning* maintains satisfactory control of the fire and that adequate equipment and persons are available to ensure that the fire is contained as determined by the *inspector*;

- i. that all *open burning* must be extinguished before a person leaves the area of the fire; and
  - j. fires for large *permitted burning materials* such as stumps and other materials over 8 inches (200 mm) in diameter that have been dried in accordance with this bylaw may be maintained for a maximum of 72 hours if the fire is substantially smokeless; however, no further *permitted burning materials* shall be added to a fire after 5:00 p.m. of each day of the fire.
5. In extenuating circumstances, a person may apply for a special permit to burn on days other than what is permitted in Section 4 subject to the review and approval of the Fire Prevention Officer and/or the Chief Administrative Officer.
  6. The *open burning* of *prohibited materials*, which includes *domestic waste*, is prohibited.
  7. The *open burning* of commercial, construction, and industrial material is prohibited.

### **SMOKE DISPERSION – WEATHER CONDITIONS**

8. Notwithstanding the provisions of Section 4, *open burning* must not be initiated or new material must not be added to the open burn if:
  - a. ~~the Ventilation Index and Air Quality Index are not rated as “good”;~~ the air quality index is more than “35” or the ventilation index is not rated as “good”; (B/L 1978/04) <sup>1</sup>
  - b. weather conditions on the site where the *open burning* is to take place are not suitable to provide rapid dispersion of the *smoke* emissions to the atmosphere so as not to *negatively impact* on a nearby population;
  - c. an *inversion* forms, trapping *smoke* near the surface which *negatively impacts* on a nearby population; and/or
  - d. wind conditions are such that sparks, ash, or cinders may cause the fire to spread beyond the controlled area of the *open burning*.

### **EXEMPTIONS**

9. Nothing in Sections 3 and 5 prohibits any of the following:
  - a. a *small confined fire* attended pursuant to Section 4.h. of this bylaw and grills or barbecues used for cooking food;
  - b. burning for fire practices or training conducted at the North Okanagan Fire Training Centre;
  - c. burning for fire practices conducted at a location other than the North Okanagan Fire Training Centre when approved by the *Local Assistant*; and/or
  - d. fires set or controlled by a person acting under an order of a *Local Assistant* if the *Local Assistant* orders the fire for emergency purposes or for the purpose of eliminating hazardous conditions.

## INSPECTIONS AND ORDERS

10. An *inspector* may enter, at all reasonable times, on any property that is subject to this bylaw, to ascertain whether the regulations in this bylaw are being complied with.
11. An *inspector* may order the extinguishing of any *open burning* that is in violation of this bylaw.
12. If, in the opinion of the *inspector*, the *open burning* poses an imminent danger to persons, structures, or other properties, or *smoke* emission is *negatively impacting* a nearby population, the *inspector* may:
  - a. require the *open burning* to be extinguished, or
  - b. require that no additional permitted burning material be added to the fire.
13. No person shall interfere with or obstruct an *inspector* in carrying out his/her duties pursuant to this bylaw.

## COST RECOVERY

14. A person responsible for *open burning*, who fails to heed an order of the *inspector* as authorized by Sections 10 and 11, shall be responsible for all costs and expenses resulting from extinguishment by the *inspector* or by the local Fire Department.

## OFFENCES AND PENALTIES

15. Any person who contravenes 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, commits an offence and shall be liable to prosecution pursuant to the provisions of the *Offence Act*.
16. Each contravention of this bylaw constitutes a new and separate offence.
17. For the following offences, a ticket may be issued, or an information may be laid, by the *Inspector*:
 

a. Burning when prohibited (Repeat Offence of 17 a.)	Section 3 and 7	Fine	\$100.00
		Fine	\$200.00
b. Burning in violation (Repeat Offence of 17 b.)	Section 4 and 7	Fine	\$100.00
		Fine	\$200.00
c. Failure to control fire (Repeat Offence of 17 c.)	Section 4.h.	Fine	\$100.00
		Fine	\$200.00
d. Unattended fire (Repeat Offence of 17 d.)	Section 4.i.	Fine	\$100.00
		Fine	\$200.00
e. Burning of prohibited material (Repeat Offence of 17 e.)	Sections 5 and 6	Fine	\$100.00
		Fine	\$200.00
f. Failure to extinguish (Repeat Offence of 17 f.)	Sections 10 and 11	Fine	\$150.00
		Fine	\$300.00
g. Obstruction of an inspector (Repeat Offence of 17 g.)	Section 12	Fine	\$200.00
		Fine	\$400.00

**REPEAL**

18. Bylaw 1727, being “*Open Burning – Fire Regulation Bylaw No. 1727, 2001*” is hereby repealed.

**Read a FIRST, SECOND, and THIRD TIME** this 3rd day of February, 2004.

**Reconsidered, Finally Passed, and ADOPTED** this 3rd day of February, 2004.

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“Stan Field”

Chair

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“Brian Reardon”

Corporate Officer

<sup>1</sup> Open Burning – Fire Regulation Amendment Bylaw No. 1978, 2004

<sup>2</sup> Open Burning – Fire Regulation Amendment Bylaw No. 2019, 2005

<sup>3</sup> Open Burning – Fire Regulation Amendment Bylaw No. 2197, 2006