

Salt Spring Island Fire Protection District

BYLAW NO. 92

A Bylaw to repeal Bylaw No. 60

THE TRUSTEES of the Salt Spring Island Fire Protection District ENACT AS FOLLOWS:

PART I – INTERPRETATIONS

1. Definition:

In this bylaw, unless the context otherwise requires:

1. Beach Fire and Camp Fires – means open burning of material for cooking, warmth or recreational purposes.
2. Class A Fire – means open burning of indigenous material from land clearing.
3. Class B Fire – means open burning of hand piled material.
4. Class C Fire – means burning in incinerators, or burning of liquid fuel, propane, briquettes or similar fuel in stoves and barbecues and means burning of beach and campfires.
5. Commercial Incinerator – means any device, constructed or erected, designed and used for the destruction by fire of industrial, commercial or institutional waste materials, but does not include any crematorium operated in accordance with the *Crematorium Act*, R.S.B.C. 1979, c81.
6. Demolition Waste – means any material resulting from or produced by the complete or partial destruction or tearing down of any structure.
7. Domestic Incinerator – means any metal or masonry container fitted with a metal screen or grill of not more than 9.5 millimeters (3/8”) mesh to restrict any sparks or flying debris and used to serve any dwelling unit burning allowed materials in schedule B. This unit is installed on a fire resistant surface of gravel or concrete and is located at least.
 - i. 1.5 meters from any grass, shrubbery or wooden fence
 - ii. 7.6 meters from any building
8. Fire Chief – means the person appointed by the Salt Spring Island Fire Protection District, to be in charge of the Salt Spring Island Fire Department, its equipment and the fire fighting personnel of the Salt Spring Island Fire Protection District, or his designate.
9. Fire Department – means the fire department established for the local service area by bylaw of the Salt Spring Island Fire Protection District.
10. Fire Fighter – means a member of the Salt Spring Island Fire Department either career or volunteer.
11. Fire Season –the period including the 15th of April to the 15th of October and inclusive of any additional period declared by the Fire Chief.

12. Foreshore – means those parts between high water mark and low water mark.
13. Garbage – means all household and commercial waste or refuse, whether it contains the remains of edible food or not.
14. Green Debris – means tree cuttings, pruning or trimmings that have been cut and not allowed to dry for a minimum of 30 days.
15. Improvement District – means the Salt Spring Island Fire Protection District.
16. Industrial Waste – means combustible by-product waste material of any density resulting from industrial process, and any noxious waste material of industrial or institutional origin.
17. Indigenous – means grown locally or native of an area.
18. Local Service Area – means a local service area established under section 798 (1)(g) of the *Municipal Act – Local Government Act*?
19. Noxious Material – includes all tire, plastics, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials and petroleum products.
20. Open Burning – means any burning taking place that is not in a domestic, industrial or commercial incinerator and is not a liquid fuel, propane, briquette or similarly fuelled stove or barbecue.
21. Order – means any order, decision, requirement or direction given by the Fire Chief or his/her designate.
22. Permit – means a document signed and issued pursuant to the provisions of this bylaw authorizing a person to undertake burning under the conditions noted on and in the document as per schedule B.
23. Person – includes any firm or corporation.
24. Smoke – means the gases, particulate and products of combustion emitted into the atmosphere from burning.
25. Venting Indexing – means the Environment Canada Ventilation Index, which provides regional information on airflow venting.
26. Violation – means a contravention of any or all parts of this bylaw.

PART II – REGULATIONS

2. Powers of the Fire Chief

1. A Fire Chief

- (a) may enter any land or premises at all reasonable times to inspect conditions which may cause a fire, increase the danger of a fire or increase the danger to persons or property in the event of a fire.
- (b) may require that any flammable material is rendered harmless or suitably safeguarded against fire by ordering:
 - (i) the erection of barricades
 - (ii) the posting of “No Admittance” signs
 - (iii) the removal of any matter or thing in or around any building or premises which in the opinion of the Fire Chief is a fire hazard or increases the danger of fire. Any expense incurred is the responsibility of the property owner.
 - (iv) the posting of security guards
 - (v) any other measures deemed necessary by the Fire Chief.
- (c) may enter onto or travel across any property or enter into any premises for a purpose related to fire suppression and may damage, break, break-up, remove or destroy any part or parts of any premises including any buildings, structures, improvements or vegetation on any premises when the Fire Chief is of the opinion that there is imminent and serious danger to life or property arising from a fire, fire hazard, toxic chemical spill or risk of explosion.
- (d) order that any fire be extinguished if, in the opinion of the Fire Chief, it creates or is likely to create a fire hazard.

- 2. The Fire Chief shall, in any order under this bylaw, indicate the nature of the condition(s) to be remedied, the manner in which the condition may be remedied, and the time within which the owner or occupier of the lands that the order affects must comply.
- 3. The Fire Chief may extend the Fire Season if in his opinion weather conditions are such that open burning would unduly contribute to an undue fire hazard. The Fire Chief may cancel any or all burning, as situations dictate, at any time.
- 4. Personal barbecues with a total grill area of less than 700 square inches do not require a permit as long as they are not located within 1.5 meters of any grass, brush or shrubbery or wooden fence and not located within 4 meters of any structure.

General Regulations

- 5. No person shall:
 - (i) fail to comply with a Fire Chief’s order made under this bylaw.
 - (ii) in any way hinder any member of the Fire Department or any other person under the direction of the Fire Chief at any emergency incident.
 - (iii) except with the permission of the Fire Chief, be permitted to enter any burning building or within the lines established by the Fire Chief marked by ropes, guards or barrier tape at an emergency incident.

- (iv) drive, run over or into any fire hose, or any other equipment, with any vehicle unless bridging is provided for that purpose.
 - (v) place or maintain any object or matter on a street, road, right of way or easement, which interferes with free access or approach to any fire hydrant, stand-pipe or reservoir, which is available for fire protection.
 - (vi) damage, render unusable or interfere with any equipment, utility or property, which is owned leased or used by the Fire Department.
6. Any owner of any unoccupied building shall ensure that it is properly secured against entry by unauthorized persons.

Burning Regulations

- 7. Any permit issued by the Fire Chief or his designate shall be in the form set out in Schedule B to this bylaw and must be available for perusal by the Fire Chief or his designate, at the site that burning is to be carried out and retained there until expiry of the permit or no further burning is to take place.
- 8. A valid fire permit is non-transferable between civic properties.
- 9. Except as provided in this bylaw, no person shall carry out open burning without a valid burning permit, issued by the Fire Chief or his designate.
- 10. The agent of, or holder of, a fire permit shall supervise any burning and ensure that any equipment necessary for fire control is available.
- 11. The Fire Chief may refuse to issue any permit, withhold any permit or cancel any permit, if in his/her opinion, igniting of a fire in any area may create a fire hazard or increase the danger of fire.
- 12. Class A fires require fire permits all year.
- 13. Class A fires that have the requirement for a “machine and operator on site” must have a machine and operator on site at all times while the fire is burning.
- 14. Class A fires must comply with the requirements of the Provincial Open Burning Smoke Control Regulations.
- 15. Class A fires must comply with the Forest Practices Code of BC Act and the permit holder must obtain a burn reference number.
- 16. Class A fires require the permit holder to obtain a satisfactory “Venting Index” rating.
- 17. No Class A burning material shall be transported from one civic address site to another civic address site for disposal by burning. All material to be burnt shall be from the civic address the permit is issued too.
- 18. No Class A (Land Clearing Waste) shall be burnt within 100 meters of a neighboring residence, business or property line.
- 19. All Class A fires require a site inspection by a member of the Salt Spring Island Fire Department prior to being ignited.
- 20. Class B fires require permits during the fire season or by order of the Fire Chief.

21. Class B fires are hand piled and measure a maximum of two meters in diameter and 1.5 meters in height. No burning will be allowed within 10 meters of any structure or property line and within 5 meters of any vegetation.
22. Class C fires require permits during the fire season.
23. No person shall have a class C fire without written permission of the property owner.
24. No person shall burn green debris without a valid permit specifically authorizing such burning.
25. No person shall burn from July 1st to September 30th, except permitted Class C fires.
26. No person shall burn noxious materials or garbage as per schedule A.
27. No person shall ignite or continue to burn a beach fire or a campfire unless each and every one of the following conditions have been complied with:
 1. The person must have obtained a valid permit for such fire during the fire season.
 2. The fire must be a minimum of 46 meters from any building or structure.
 3. The fire must be a minimum of 5 meters from any driftwood, vegetation, grass or any other combustible material.
 4. The fire must not exceed 1 meter in diameter.
 5. The fire must be contained within a suitable receptacle constructed of but not limited to rocks or metal.
 6. The fire must be extinguished by 23:00 hrs (11:00 p.m.)
 7. Beach fires must be constructed below the high water mark.
28. No person shall burn within 500 meters of any school in session, hospital and used for continuing care as defined under the "Continuing Care Act."

INCINERATORS

29. The owner of an incinerator shall ensure:
 - (a) that the incinerator is maintained in a condition that provides for the proper combustion of allowable material burned.
 - (b) that while it is in use the owner or agent of the owner shall supervise any burning and ensure that any equipment necessary for fire control is available.
 - (c) that a domestic incinerator is located at least:
 - (i) 1.5 meters from any combustibles or fences
 - (ii) 7.6 meters from any buildings
 - (d) that a commercial or industrial incinerator is located at least:
 - (i) 3 meters from any combustibles or fences
 - (ii) 10 meters from any building
2. Where, in the opinion of the Fire Chief, any incinerator is likely to create or become a fire hazard due to damage, deterioration, lack of maintenance, construction or location, the Fire Chief may:
 - (a) direct the owner of the incinerator to alter, renovate, repair or relocate the incinerator, or
 - (b) order the owner of the incinerator to discontinue its use.

COST RECOVERY

- 30. Every person who starts a fire, or permits a fire to be started, which is prohibited under the terms of this bylaw, or in the opinion of the Fire Chief or his designate that requires the Fire Department to control or extinguish because it presents a hazard, has escaped or threatens to escape from control, is liable for all costs and expenses incurred by the Fire Department or the District to control or extinguish the fire. These recovery rates shall follow reimbursement rates of the BC Forest Service for personnel and equipment. As well costs for materials such as foam and nourishment for personnel shall also be charged for.

SEVERABILITY

- 31. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court, the section, subsection, sentence, clause or phrase may be severed from the remaining portions of this Bylaw.

PENALTY

- 32. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the Offence Act.
- 33. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

REPEAL OF BYLAW

- 34. That Bylaw No. 60 cited as "Fire Regulations Bylaw, 1992" and amendments are hereby repealed.

CITATION

- 35. This bylaw may be cited for all purposes as "^{92A} Fire Regulation Bylaw No. 92, 2003".

INTRODUCED and given first reading by the Trustees on the 15th day of May 2003.

RECONSIDERED and finally passed by the Trustees on the 15th day of May 2003.



 Chairman of the Trustees



 Corporate and Financial Administrator of the Trustees

I hereby certify under the seal of the Salt Spring Island Fire Protection District that this is a true copy of Bylaw No. 92 of the Salt Spring Island Fire Protection District.



 Corporate and Financial Administrator of the Trustees

*A true copy of By-Law No. 92
 registered in the office of the Inspector
 of Municipalities this 12th day of
 June 2003*


 Deputy Inspector of Municipalities

Schedule A

Prohibited Material

The following material must not be included with debris that is burned.

tires	treated lumber
plastics	railway ties
drywall	manure
demolition waste	rubber
domestic waste	asphalt
paint	asphalt products
special waste	fuel and lubricant containers
tar paper	biomedical waste

Schedule B

Burnable Material

indigenous materials	cardboard
construction scraps	paper products
dry household waste; except as outlined in Schedule A	