

**CITY OF PITT MEADOWS
BURNING REGULATION
BYLAW NO. 2406, 2009.**

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, spark, 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 Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the **"City of Pitt Meadows BURNING REGULATION Bylaw No. 2406, 2009"**.

2. ***Burning Regulation Bylaw No. 1505 and amendments thereto are hereby repealed.***

<u>Bylaw No.</u>	<u>Adopted</u>
1505	January 18, 1994
1669	February 21, 1995
1779	July 16, 1996
1922	October 19, 1999

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INTERPRETATION

2. In this Bylaw:

Class "A" Fire (Land Clearing) is an outdoor fire which occurs in combustibles which are piled by "Machine" or are in piles not exceeding 4 cubic meters or 16 cubic feet in size.

Class "B" Fire (Back Yard Burning) is an outdoor fire which occurs in garden waste consisting of non-toxic garden materials stored on a parcel not exceeding one hectare in size, and includes leaves and branches pruned from trees and shrubs.

Class "C" Fire (Construction Debris, dimension lumber or industrial waste) is an outdoor fire which occurs in waste resulting from the demolition or construction of a building or structure.

Class "D" Fire is an outdoor fire which occurs in waste resulting from agricultural-related activities on parcels zoned agricultural. If in piles must not exceed 4 cubic meters or 16 cubic feet in size.

"burning season" means the two burning periods from March 1 to April 30 and October 1 to November 30.

"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 including any wood used in construction of buildings, fences, and any lumber that has been milled for construction purposes. This also includes any building materials resulting from the destruction or tearing down of any building, whether partial or complete.

"fire rescue service" means the City of Pitt Meadows Fire Rescue Service.

"garbage" means all materials discarded as waste.

"land clearing waste" natural wood or vegetative waste generated by the clearing of land and originating from the subject property.

"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 Pitt Meadows.

"peat soils" means local peat deposits susceptible to underground burning.

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

"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.

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

"officer" means the Fire Chief, Deputy Fire Chief, Assistant Fire Chief or a Captain of the Pitt Meadows Fire Rescue Service or their designates duly appointed from time to time to lawfully act in that capacity.

"outdoor fire" means a fire that burns outdoors in the open air that is not enclosed in a fireplace, furnace or other such device, *but does not include a controlled fire ignited for the burning of tobacco products for personal consumption nor the mere striking of a match.*

"City" means the City of Pitt Meadows.

"urban area" means lands wholly contained within the Urban Boundary as shown on Schedule 3A and 3B of Official Community Plan Bylaw No.2352, 2007 as amended from time to time.

"permit" means a burning permit required or issued under this Bylaw.

GENERAL REGULATIONS - OUTDOOR FIRES

3.

- (a) No person shall 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) No person shall burn any of the following materials; oil, rubber, plastics, fertilizers, tires, material containing creosote, wiring insulation, petroleum products, biomedical waste, herbicides, pesticides, drywall, asphalt, paint, railway ties, chemicals, insulation, treated lumber, fuel and lubricant containers, garbage, recyclables, demolition waste, land clearing waste, construction waste, manure, or other manufactured material;
- (c) No person shall burn material brought from another location;
- (d) No person shall 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) No person shall set out, start or kindle open air burning except during the designated periods as specified by this Bylaw;
- (f) No person shall set out, start or kindle open air burning on known peat soils, to protect against the ignition of underground peat deposits;
- (g) 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 exceeding 50kph;
- (h) No person shall burn during times which the Greater Vancouver Regional District (GVRD) has restricted open burning;
- (i) No person shall burn once the Ministry of Forests and or the Greater Vancouver Regional District (GVRD) has issued a no burning order;
- (j) No person shall burn in the Urban Area except as described in 4(a) and 5 of this Bylaw;

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- (k) No person shall set out, start or kindle open air burning between the hours of 10:00pm to 7:00am daily. No materials shall be added to permit fires under the Bylaw during this time;
 - (l) A person may apply in writing to the Fire Chief for permission to have a small ceremonial or religious fire, if approved they must pay the burning permit fee of one hundred dollars (\$100.00);
 - (m) No person shall burn unless the ventilation index is favorable. (Schedule B).
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:
- (a) fires started and maintained by the Pitt Meadows Fire Rescue Services for training purposes or to prevent the commencement or spreading of fire.

GENERAL REGULATIONS - COOKING FIRES

5. Cooking fires contained within a barbecue or fire pit having a surface area not greater than one (1) meter in diameter using natural gas/propane or charcoal or within a manufactured gas/propane, electric/charcoal barbecue are permitted under this Bylaw.

GENERAL REGULATIONS - CLASS "A" FIRES - LAND CLEARING

6. No person shall start or maintain a Class "A" Fire.

GENERAL REGULATIONS - CLASS "B" FIRES - BACK YARD BURNING

7. No person shall start or maintain a Class "B" Fire in Urban Area as shown on schedule 3A, 3B of Official Community Plan

GENERAL REGULATIONS - CLASS "C" FIRES - CONTRUCTION DEBRIS DIMENSION LUMBER

8. No person shall start or maintain a Class "C" Fire.

GENERAL REGULATIONS - CLASS "D" FIRES – AGRICULTURAL LANDS

9. No person shall start or maintain a Class "D" Fire if it includes one or more of Class "A", "B" or "C" fires.

Class "D" permits may be available on land zoned agricultural from March 1 to April 30 inclusive and from October 1 to November 30 inclusive, yearly; the applicant and owner are liable for all damages and cost incurred by any fire set under this permit.

No Persons Shall Burn:

- (a) material other than waste from agricultural related activities on parcels zoned agricultural, all materials burned must come from land on which the burn is taking place;
- (b) within fifteen meters (15) meters of any building structure, fence, hedge or overhead wire or cable;

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- (c) within five hundred (500) meters of an industrial, commercial or institutional facility;
- (d) within 30 meters of any public roadway;
- (e) within 10 meters of any stream;
- (f) for more than 72 consecutive hours;
- (g) unless more than fourteen (14) days have elapsed since the termination of any previous burning permit;
- (h) if a person or property has had open burning occur four (4) times in the previous calendar year;
- (i) unless a person age nineteen (19) or over is at all times present at the fire until it is extinguished;
- (j) unless there is emergency equipment on the property when the burning is taking place which is capable of extinguishing the fire (machine, water supply, staff as appropriate).

PERMITS

- 10. (a) No person shall start an outdoor fire, other than those exempt from the Bylaw in section 4 and 5 without first obtaining a permit. Failure to obtain a permit from the City will revoke all burning on said property for the entire year.
- (b) No person shall start a Class "B" or Class "D" fire without first paying a permit fee of \$100.00 dollars. The fee is payable for every three days of burning allowed under the permit and may include an inspection from a Pitt Meadows Fire Rescue Officer;
- (c) The burning permit holder shall have the burning permit available on site for review by a Fire Rescue Officer or Bylaw Enforcement Officer;
- (d) A permit shall state the dates on which a permitted outdoor fire may burn;
- (e) The permit holder shall inspect the fire site immediately following the permit expiration date and within four (4) hours of the cessation of the fire and ensure that the fire is extinguished.

An Officer may

- 11. (a) issue a permit and;
- (b) prior to issuing a permit, 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 fire fighting equipment to be provided on the site of the fire or any other precautions deemed necessary;
- (d) 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 Rescue personnel to extinguish the proposed fire;

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- (e) suspend or cancel a permit issued when, in the opinion of the Officer, the fire conditions relevant to the fire become unsafe or a nuisance, and produce significant or toxic smoke and/or fly ash which endangers the health, safety or welfare of persons or animals; cause smoke to obscure visibility and thereby create a hazard to traffic on a public roadway;
- (f) may reissue the permit at a later date.

OTHER LEGISLATION

12. In addition to the requirements of this Bylaw, all burning must meet the requirements of the Environmental Management Act BC 2004, Open Burning and Smoke Control Regulation 145/93 including amendments.

INSPECTIONS AND ORDERS

An Officer may

13. (a) enter at all reasonable times 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) call on Greater Vancouver Regional District/Metro Vancouver if a person is burning waste in contravention of the Environmental Management Act 2004;
- (d) order that the fire be immediately extinguished if found in contravention of this Bylaw and take necessary action to carry out extinguishment if the property owner/representative is unable or unwilling to do so. This will result in a fee being invoiced to the property as per the current Greater Vancouver Regional District Mutual Aid Agreement for Emergencies rates for fire equipment.

OFFENCES AND FEES

14. 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 or to imprisonment, or both such fine and imprisonment, not exceeding the maximum allowed by the Offence Act, as amended.

Any fee authorized by this Bylaw may be entered upon the Assessment Roll as monies owing against the property and any such fee remaining unpaid over 90 Days will be added to and form part of the taxes payable in respect of the property as taxes in arrears, with all applicable interest and penalties.

Any person who contravenes any of the provisions of this Bylaw, in addition to any other fine provided for pursuant to this Bylaw, shall be liable to the City for the fee for 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.

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Every person who breaches, or who causes or allows to be violated or breached, any of the provisions of the 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.

SEVERABILITY

15. 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

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

READ a FIRST and SECOND time the __day of ____, 20__.

PUBLIC HEARING held the __day of ____, 20__.

READ a THIRD time the __day of ____, 20__.

FINALLY CONSIDERED AND ADOPTED the __day of ____, 20__.

Mayor

Corporate Officer

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SCHEDULE "A"

**CITY OF PITT MEADOWS
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FINE SCHEDULE**

OFFENCE COMMITTED	BYLAW SECTION NO.	FINE \$
Outdoor Fire Prohibited	3(a)	\$200.00
Burn Dangerous Material	3(b)	\$400.00
Burn Foreign Material	3(c)	\$200.00
No Fire Permit	3(d)	\$200.00
Class B Fire Prohibited	7(b)	\$200.00
Class D Fire - No Permit	10(b)	\$200.00
Class D Fire - No Adult	9(g)	\$200.00
Class D Fire - Too Close	9 (b,c,d,e)	\$200.00
Class D Fire - Not Equipped	9(j)	\$200.00
Fail To Extinguish Fire	10(e)	\$200.00
Burn when prohibited by Metro Vancouver Ventilation Index	3m	\$300.00
Non-Permit burn during "Fire Ban" Regional or Provincial	3 (i)	\$500.00

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“SCHEDULE B”

**AIR QUALITY VENTILATION INDEX OF THE
GREATER VANCOUVER REGIONAL DISTRICT**

Before you burn:

1. If not pre-approved by the issuing agent, you must check the current ventilation index by calling 1-900-565-5000 (charges will apply to this number) or Metro Vancouver at 604-436-6777.
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 \$300.00 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 are deemed to be excessive or if the smoke and/or ash adversely impacts on surrounding areas.