

DISTRICT OF LAKE COUNTRY

BYLAW 612, 2007

CONSOLIDATED VERSION

(Includes amendment as of July 18, 2017)

This is a consolidated copy to be used for convenience only. Users are asked to refer to the District of Lake Country Burning Bylaw 612, 2007 as amended from time to time to verify accuracy and completeness.

Amending Bylaw	Summary of Amendments	Adoption
759	<ul style="list-style-type: none">• Adding Section 2(a)• Deleting and replacing Section 4(a).• Deleting and replacing Section 4(c).• Deleting and replacing Section 6(a).	July 20, 2010
988	<ul style="list-style-type: none">• Amend Sections 2, 6 & 7• Deleting and replacing Section 10• Deleting Section 13• Deleting Schedule A	January 17, 2017
1013	<ul style="list-style-type: none">• Amend Sections 2, 6 & 7• Deleting and replacing Section 10• Deleting Section 13• Deleting Schedule A <p><u>*See Report to Council of July 4, 2017</u></p>	July 18, 2017

DISTRICT OF LAKE COUNTRY

BYLAW 612, 2007

**A BYLAW TO REGULATE OPEN BURNING WITHIN THE
DISTRICT OF LAKE COUNTRY**

WHEREAS the Council of the District of Lake Country may by bylaw regulate open burning;

AND WHEREAS the Council of the District of Lake Country deems it necessary to regulate open burning;

NOW, THEREFORE, the Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. Definitions

In this bylaw, unless the context otherwise requires:

“Bylaw Enforcement Officer” means an officer, employee or agent of the District of Lake Country, authorized by Council to administer this bylaw, including the lawful deputy of that person and a person who is appointed to fill the position on an “Acting” basis in the absence of the person who holds the position;

“Campfire” means a fire used for the purpose of cooking and/or to provide heat and light associated with camping or recreation;

“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;

“Council” means the Council of the District of Lake Country;

“District” means that part of the District of Lake Country described in its Letters Patent;

“Fire Chief” means the Fire Chief of the District of Lake Country or his/her designate;

“Garbage” means all waste material from any source excluding permitted burning materials and includes materials resulting from the construction, renovation or demolition of any structure;

“Open Burning” means the combustion or burning of any substance in the open air by any means but shall not include:

- the operation of an outdoor barbeque intended for and used solely for the preparation of foods;
- fires used by Fire Department authorities for the purpose of education, training and other Fire Department purposes;
- campfires.

“Permitted burning materials” means all parts of trees or other vegetation that do not constitute compostable materials and includes prunings, branches, trunks and tree stumps, and includes untreated commercially produced wood waste;

“Prohibited materials” means those materials listed in Schedule A of the *Open Burning Smoke Control Regulation* enacted pursuant to the *Environmental Management Act* as amended from time to time and shall include the following:

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

2. Application

Added by
Bylaw 759

- a) Campfires and open burning are not permitted in the District except in accordance with this Bylaw.
- b) This Bylaw applies to all areas of the District of Lake Country.
- c) Nothing contained in this Bylaw shall excuse compliance with other applicable laws of authorities having jurisdiction that have the effect of being more restrictive than this Bylaw.

Added by
Bylaw 988 & 1013

- d) at the time of application, the applicant will pay the District an application fee as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time.

3. Campfires

Campfires are permitted with the permission of the property owner provided that the fire is fueled by seasoned wood and provided the fire is no larger than one metre in diameter and height and is controlled by a competent person equipped with sufficient equipment to prevent the fire from getting out of control. No campfires will be allowed when the fire hazard is rated as “high” by the Ministry of Forests or at any other time that Ministry deems as dangerous. A minimum separation of three metres shall be maintained between campfires and any combustible material.

4. General Regulations and Prohibitions

Amended by
Bylaw 759

- a) All persons conducting “Open Burning” under the provisions of the Bylaw must submit an application for a Burning Permit in the form provided by the District of Lake Country.
- b) No person shall conduct open burning except during a permitted burning period. No person shall conduct open burning unless in accordance with an approved burning permit, and during a permitted burning period.

Amended by
Bylaw 759

- c) No person shall conduct open burning of any materials except permitted burning materials. Without restricting the generality of the foregoing, no person shall burn garbage, compostable materials, or prohibited materials.
- d) No person shall conduct open burning by use of an incinerator, burning barrel, outdoor fireplace with a flue or similar device.
- f) All owners and occupiers of property on which burning is permitted in accordance with this Bylaw shall ensure that no nuisance or hazard is caused by any open burning.

- g) No person shall conduct burning of the wood, trees, stumps, shrubbery and woody debris that results from clearing land that is the subject of a rezoning, subdivision, development permit or soil permit application to help prepare the land for a different land use or density.

5. Open Burning Requirements and Prohibitions:

- a) All permitted burning materials shall be thoroughly dried and capable of being burned and disposed of rapidly;
- b) All permitted burning materials shall originate from the parcel of land where the burn is taking place;
- c) All burning except as expressly provided in this Bylaw shall be conducted and concluded between 7:00 a.m. and sunset of the same day; except as expressly authorized in Section 6;
- d) Stumps and other materials exceeding twenty centimetres in diameter shall not be burned unless they have been allowed to dry for a minimum of two years or are in an equivalent state to the satisfaction of the Fire Chief. Fires for such materials may be maintained for a maximum of 72 hours if the fire is substantially smokeless, provided that no further combustible materials shall be added to a fire after 5:00 p.m. of each day of the fire, and before 7:00 a.m. of the next day;
- e) A minimum separation of thirty (30) metres shall be maintained between the location of a fire and all property lines, buildings and any combustible materials including any vegetation, buildings or structures;
- f) All fires shall be continuously controlled and supervised by a competent person properly equipped with sufficient fire extinguishing equipment and material and shall be maintained so as to not constitute a hazard;
- g) No fire shall be larger than 2 metres in height by 3 metres in diameter;
- h) Burning shall not be commenced unless the Environment Canada Venting Index indicates that ventilation conditions and air quality are in the "Good" category.
- i) Only those residents that have properties greater than or equal to 1 hectare (2.5 acres) are eligible to apply for an open burning permit.

6. Special Burning Permits and Regulations

Amended by
Bylaw 759

- a) Application may be made to the Fire Chief or his designate for a special burning permit for air curtain burning for the purpose of disposing of the fuels created from fuel modification or hazard reduction, subject to the conditions that:
- i) the burn produces no visible smoke once fully operative;
- ii) no prohibited materials are burned;
- iii) only wood waste is burned.
- b) The Fire Chief may issue a special burning permit to handle a specific hazard, insect infestation or disease, at any time during the year subject to the above conditions plus any other conditions the Fire Chief considers necessary to achieve a safe burn.

Added by Bylaw
988 & 1013

- c) No burning permit or special permit fees shall apply for Class 9 (Farm) assessed properties where the applicant provides evidence satisfactory to the Fire Chief confirming an insect infestation or disease upon the permitted burning materials located on the property.
- d) Special Burning Permits and extensions shall be issued for a periods of up to one month for each permit.

7. Permitted Open Burning Periods

Open burning shall be permitted during the following periods, unless varied by the Fire Chief:

- a) October 1 to December 31
- b) January 1 to April 30
- c) Class 9 (Farm) assessed properties may make an application for open burning to take place during both time periods noted above.

Added by Bylaw
988 & 1013

8. Inspections and Orders

- a) The Fire Chief or Bylaw Enforcement Officer may withhold, suspend or cancel any burning where that burning creates a hazard or nuisance to persons or property and the Fire Chief or Bylaw Enforcement Officer may order the extinguishment of any fire that causes a hazard or nuisance.
- b) The Fire Chief or Bylaw Enforcement Officer may enter at any reasonable time on any property to ascertain compliance with this Bylaw.
- c) No person shall interfere with or obstruct the Fire Chief or Bylaw Enforcement Officer in carrying out duties pursuant to this Bylaw.
- d) The Fire Chief or Bylaw Enforcement Officer may order owners or occupiers of property to do anything, or refrain from doing anything, that is required to comply with this Bylaw.
- e) The Fire Chief or Bylaw Enforcement Officer may order an owner or occupier of property to extinguish a fire wholly or in part.

9. Liability

- a) This Bylaw does not create a duty of care in respect of the District, its Council, officials, officers, employees or agents acting pursuant to this Bylaw, concerning anything required by this Bylaw or the enforcing or failing to enforce any matter referred to in this Bylaw.
- b) No failure to administer or enforce or incomplete or inadequate administration or enforcement of the provisions of this Bylaw, nor any error, omission or neglect in relation to any matter described in this Bylaw shall give rise to a cause of action in favour of any person.

10. Attendance at non-compliant burn

Amended by
Bylaw 988
& 1013

Where the District's Fire Department attends a premises for the purpose of extinguishing or controlling a fire or preventing fire damage to persons or property whether on those premises or elsewhere and the Fire Chief is reasonably satisfied that the need for the Fire Department's attendance was attributable to the failure of the owner or occupier of the premises to comply with this Bylaw, the costs of such attendance, as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time, shall be paid by the owner or occupier of the premises on which the fire was ignited. Fees pursuant to this section are payable within thirty (30) days of receipt of invoice. Any amount remaining unpaid on December 31 of the year in which the bill originated may be recovered, with interest at the rate prescribed for unpaid taxes, and in the same manner as taxes in arrears.

11. Severance

If any section, subsection, paragraph, subparagraph or phrase of this Bylaw is for any reason declared invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the rest of this Bylaw.

12. Offences and Penalties

- a) Any person who contravenes the provisions of this Bylaw commits an offence and is liable to prosecution pursuant to the provisions of the *Offence Act* and is liable to a fine of not less than \$100.00 and not more than \$2,000.00 and any other penalties imposed under the *Offence Act*.
- b) Each day that a person contravenes this Bylaw constitutes a separate offence.

13. *Section 13 deleted by Bylaw 988*

14. Repeal

“District of Lake Country Burning Bylaw 97-142” and all amendments thereto are hereby repealed.

15. Citation

This bylaw may be cited as “Burning Bylaw 612, 2007”.

READ A FIRST TIME this 29th day of January, 2008.

READ A SECOND TIME this 29th day of January, 2008.

READ A THIRD TIME this 29th day of January, 2008.

RECONSIDERED AND ADOPTED this 5th day of February, 2008.

“original signed by Mayor James Baker”

Mayor

“original signed by Hazel Christy”

Clerk

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as “Burning Bylaw 612, 2007” as adopted by the Municipal Council on this 5th day of February, 2008.

Dated at Lake Country, B. C.

Clerk

Schedule A deleted by Bylaw 988 and 1013