

VILLAGE OF GOLD RIVER

Bylaw No. 718, 2019

A bylaw to regulate open burning
in the Village of Gold River.

WHEREAS Section 64 of the *Community Charter* provides Council the authority under Section 8 (3) (h) [*spheres of authority – nuisances disturbances and other objectionable situations*] to regulate, prohibit and impose requirements regarding the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;

NOW THEREFORE the Council of the Village of Gold River in open meeting assembled, enacts as follows:

Title

This Bylaw may be cited as the “Open Fire Regulation Bylaw No. 718, 2019”.

1.0 Definitions

1.1. In this bylaw:

“Authorized Person” means the Chief Administrative Officer or designate(s), Bylaw Enforcement Officer duly appointed from time to time to lawfully act in that capacity.

“Burn” means a fire and burning.

“Bylaw Enforcement Officer” means a person appointed by the Council for the purpose of enforcement of this bylaw, and includes the Fire Chief, Bylaw Enforcement Officer, the Chief Administrative Officer, Deputy Clerk or a member of the Royal Canadian Mounted Police, (RCMP).

“Construction Waste” means wood and wood products arising from the construction, alteration or demolition of a building or structure.

“Council” means the Council of the Village of Gold River.

“Depot or Transfer Station” means the property maintained and operated by the Village for the disposal of construction waste, garbage, noxious materials and yard debris.

“Fire Chief” means the person appointed by the Council as Fire Chief to manage the Fire Department or their designate.

“Garbage” means all household and commercial waste or refuse, whether it contains the remains of edible food or not.

“Land Clearing Debris” means organic material resulting from the clearing of vegetation from land, but does not include *yard debris*.

“Noxious Materials” means tires, oils, tar, asphalt, shingles, batteries, rubber products, plastic and any other substance which produces heavy black smoke, noxious odors or toxic residue when burned.

“Open Burning” means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere. Open burning does not include charcoal fires contained within barbecues or hibachis for the purpose of cooking food.

“Permit” means a document issued pursuant to the provisions of this bylaw authorizing a person to burn under the terms and conditions specified in the permit.

“Yard Debris” means leaves, grass clippings and cuttings resulting from the pruning of shrubs and trees.

2.0 Open Burning (for Open Fires)

- 2.1 Open burning is prohibited between April 15th and October 15th in any given year.
- 2.2 Except as hereinafter specifically provided, no person shall start or maintain an open fire, or cause or allow an open fire to be started or maintained unless the fire is allowed under a permit issued by the Village of Gold River.
- 2.3 Charcoal, pellet, natural gas or propane gas fires contained within barbecues or other approved appliances are exempt from subsections 2.1 and 2.2.
- 2.4 Backyard campfires, fire pits, chimineas and outdoor fireplaces not fueled by either natural gas or propane are required to be registered as per Schedule C of the Bylaw and comply with all the regulations provided within Schedule C. Failure to register a backyard campfire may result in a fine as per Section 12.0: **Penalties**, and the revocation of the issued permit. Schedule C permits may only be issued/revoked by either the Village of Gold River Fire Chief or the Chief Administrative Officer.
- 2.5 Backyard campfires, wood fire pits, chimineas and outdoor fireplaces fueled by wood are only permitted in R-1 (Single Family Residential), R-2 (Single Family Estate Residential), C.D.1 (Comprehensive Development 1) zones as per Zoning Bylaw No. 706, 2018.
- 2.6 Burning of construction waste, garbage, noxious materials and yard debris is strictly prohibited in the open air, in a domestic incinerator or in any other similar device. Burn permits will not be approved for burning of such material under any circumstance.
- 2.7 Construction waste, garbage, noxious materials and yard debris must be deposited at the Public Works Depot-Transfer Station.

3.0 Land Clearing Fires

- 3.1 Where the Fire Chief or other authorized person considers it safe to do so, the Fire Chief or other authorized person may issue a permit for burning in the open air of cut and piled brush, slash, grass and other organic materials resulting from the clearing of land and for the destruction of waste materials originating on that property, provided that:
 - a) burning of land clearing debris may only occur between October 15th and April 15th, when authorized by the Fire Chief or other authorized persons.

- b) open burning of land clearing debris must be carried out at least 4.6m (15 feet) from any buildings or structures and 1.5m (5 ft) from any grass, shrubs, trees or other flammable or combustible material.
- c) every person to whom a permit has been issued shall be responsible for and in charge of a fire while the fire is burning or smoldering, and until such fire is completely extinguished, and shall provide sufficient personnel, appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property.
- d) burning must be done during daylight hours only.
- e) burn piles of land clearing debris shall not exceed 5 metres in diameter or 3 metres in height.
- f) noxious materials shall not be burned in connection with a land clearing fire.
- g) the smoke release for each permit shall not exceed 72 consecutive hours.
- h) open burning of land clearing debris shall not be carried out where due to climatic conditions or other hazards, it would be unsafe to do so.

4.0 Application for Permit

- 4.1 Every application for a burn permit pursuant to this Bylaw shall be made to the Fire Chief or other authorized person on the form prescribed by the Village. The Fire Chief or other authorized person is hereby authorized and empowered to grant or refuse any such permit, subject to the provisions of this Bylaw, the Fire Services Act and the Forest Act.

5.0 Issuance of Permit

- 5.1 A written permit shall be in the form as prescribed by the Village and shall be valid for a maximum of three (3) days during the specified period designated under section 3.0.
- 5.2 The Fire Chief or other authorized person may withhold or, suspend or cancel any permit issued where, in his opinion, the igniting of a fire may create a hazard or nuisance to persons or property, and the Fire Chief or designate may extinguish or order the extinguishing of any fire that is causing a nuisance to persons, or any fire started without a permit to do so.

6.0 Restrictions to Burn Permits

- 6.1 The Fire Chief or other authorized person may attach to any burn permit issued pursuant to this Bylaw such conditions or restrictions as deemed necessary for safety and the prevention of the spread of fire.

7.0 Exemptions to Burning Regulations

- 7.1 Fires started and maintained by the Gold River Volunteer Fire Department of the Village of Gold River for training purposes or to prevent the commencement or spreading of fire do not require a burn permit.

8.0 Responsibility

- 8.1 Every person who starts an open fire or fails to extinguish any open fire, whether such fire was started with or without a permit, shall be responsible for the care and control of such fire. A fire shall be deemed to be out of control when it spreads beyond the boundaries of its enclosure or the parcel of land on which it was started, or threatens to do so, or when it endangers any building or property.

9.0 Inspections and Orders

- 9.1 The Fire Chief or other authorized person is authorized to enter at all reasonable times on any property in order to ascertain whether the regulations in this Bylaw or directions made under this Bylaw are being observed.
- 9.2 The Fire Chief or other authorized person is authorized to make orders directing the owners or occupiers of property to bring the fire into compliance with this Bylaw.
- 9.3 No person shall obstruct or prevent the Fire Chief or other authorized person from conducting an inspection under this Bylaw.
- 9.4 The Fire Chief or other authorized person is authorized to order the operator to immediately extinguish the fire.

10. Offences

- 10.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and shall, upon summary conviction thereof, be liable to a maximum penalty of \$2000.00
- 10.2 Each day that an offence continues shall constitute a separate offence against this Bylaw.

11.0 Enforcement

- 11.1 This Bylaw is designated under the provisions of Section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.
- 11.2 Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw pursuant to Section 264 (1) (b) of the *Community Charter*.
- 11.3 Pursuant to Section 269(1)(c) of the *Community Charter*, authorization is hereby delegated to the Bylaw Enforcement Officer to refer tickets issued with respect to this bylaw to the Provincial Court for a hearing.

12.0 Penalties

- 12.1 Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.

12.2 Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth below in Column 3 is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

| Column 1 Offence | Column 2 Bylaw Section | Column 3 Fine Amount |
|---|---------------------------|--|
| Burning during closed season | 2.1 | \$100.00 |
| Burning without Permit | 2.2 | \$100.00 |
| Unauthorized backyard burning/ Campfire | 2.4 | \$100.00 |
| Burning prohibited material | 2.5 | \$200.00 |
| An escaped fire | 8.1 | \$500.00 plus cost recovery determined by fire department |
| Refuse order to bring fire into compliance | 9.2 | \$100.00 |
| Obstruct Fire Chief or authorized person from inspecting property | 9.3 | \$100.00 |
| Refuse order to extinguish fire | 9.4 | \$200.00 |

13.0 Cost Recovery

13.1 Every owner or occupier of a dwelling who starts or allows to be started any outdoor fire or open burning is responsible for such fire. If, in the opinion of the Fire Chief or other authorized person, the fire presents a hazard, has escaped or threatens to escape from the owner’s control or is prohibited under the terms of this bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner or occupier shall be liable for all costs and expenses incurred by the Fire Department or the Village to control or extinguish the fire.

14.0 Severability

14.1 If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid portion thereof shall be severed and the decision that is invalid shall not affect the validity of the remaining portions of the Bylaw.

15.0 REPEAL

15.1 The Village of Gold River Burning Permits and Open Fire Regulations Bylaw No. 412, 1990 is hereby repealed.

| | | | |
|-----------------------------------|------------------|--------|-----------------|
| READ A FIRST AND SECOND TIME THIS | 4 TH | DAY OF | November, 2019. |
| READ A THIRD TIME THIS | 19 TH | DAY OF | May, 2020. |
| ADOPTED THIS | 1 ST | DAY OF | June, 2020. |

B. Unger

MAYOR

B. McRae CORPORATE ADMINISTRATOR

VILLAGE OF GOLD RIVER

Bylaw No. 718, 2019

Schedule "A"

Burn Permit Application

Applicant Name: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____

Burn Location

Street Address: _____

Property Owner/Occupier: _____

Date(s) of Proposed Burn: _____

Purpose of Burn: _____

Materials to be Burned: _____

Permit Application Fee: \$ _____ Permit Fee (when permit issued) \$ _____

By the signature below, the applicant certifies that he/she has legal authority to start and maintain an open fire at this location, knowingly presenting a false certification constitutes a criminal offence.

ACKNOWLEDGEMENT OF LIABILITY

Permittee accepts this permit subject to the terms outlined herein; this permit will not relieve the permittee from complying with all other applicable legal requirements.

Print Name: _____ Title: _____

Signature: _____ Date: _____

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Schedule "B"

OUTDOOR FIRE PERMIT

Authority is granted to _____
(the permittee)

of _____ Phone: _____
(street address)

to set and maintain a fire for _____ day(s) on the following lands:

(site address)

for the purpose of land clearing during the period _____
(dates)

during the following times _____ to _____, subject to the following conditions:

1. The permittee shall be responsible for the fire(s) authorized by this permit.
2. The permittee shall provide at the site at all times during the fire authorized by this permit a person of 16 years of age or older equipped with suitable tools and water to effectively safeguard a fire.
3. The permittee shall ensure that under this permit only dry, combustible organic material (land clearing debris) will be burned and that prohibited materials will not be burned.
4. The permit shall post this permit in a conspicuous location near or at the site where the fire is operated.
5. The permittee is liable for costs associated with fire damage to property or persons, as well as costs incurred by local fire authorities for extinguishing the fire.

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Schedule "C"

BACKYARD CAMPFIRE REGISTRATION

Applicant Name: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____

Backyard Campfire Location

Street Address: _____

Property Owner: _____

I _____ (property owner) confirm that the backyard campfire location and use meet the following conditions:

- Maintain a clearance of 4 meters (13 feet) from any structure
- Maintain a clearance of 2 meters (6.5 feet) from shrubbery and wooden fences
- Ensure that the base of an open fire is no larger in area than 1-meter x 1- meter (3 feet x 3 feet)
- Ensure that extinguishing equipment such as a charged water hose, is readily available
- Maintain constant supervision of the fire by a responsible person over the age of 16 years and who is a permanent resident of the residence
- Take every reasonable precaution to prevent heavy smoke from being generated or becoming a nuisance
- All backyard campfires shall be fully extinguished by 11:00 p.m. every evening.

Signature: _____

Village Authorized Signatory: _____

Date: _____

Title: _____