

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1157

Being a bylaw to amend the Regional District of Central Okanagan Fire Prevention and Regulations Bylaw No. 1066, 2004.

WHEREAS the Regional District of Central Okanagan has enacted the Regional District of Central Okanagan Fire Prevention and Regulations Bylaw No. 1066, 2004;

AND WHEREAS the Regional District of Central Okanagan considers that it is necessary to amend the Fire Prevention and Regulations Bylaw;

NOW THEREFORE THE REGIONAL DISTRICT OF CENTRAL OKANAGAN IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. Amend the preamble of the bylaw by adding a new third paragraph as follows:

"AND WHEREAS the Wildfire Act will continue to apply for those parts of the Regional District of Central Okanagan outside the boundaries of the Regional District of Central Okanagan service area fire departments."

2. Amend the section headings throughout the Bylaw by numbering them as follows:

- 1) Purpose
- 2) Definitions
- 3) Regulations
- 4) Prevention
- 5) Fire Hydrants
- 6) Smoke Alarms
- 7) Open Burning
- 8) Inspections
- 9) Authority of Fire Chief
- 10) Severability
- 11) Prohibitions
- 12) Penalty

3. Add the following definitions alphabetically in Section 2):

"Air curtain burning" means burning in a trench or in a manufactured above grade enclosed burner using a mechanical air system to force air into the fire to accelerate burning while producing minimal visible smoke.

"Compostible materials" means small waste products from plants, trees or other vegetation that biodegrade easily, including grass clippings, leaves, tree needles, garden waste and weeds.

"Opening burning" means burning piled *permitted burning materials* at ground level with natural airflow.

"Permitted burning materials" means untreated wood prunings, branches, tree trunks, stumps or other vegetation that have been allowed to dry for at least two years or to equivalent dryness and that do not constitute:

1. *prohibited burning materials*,
2. *compostible materials* or
3. the wood, trees, stumps, shrubbery and wood debris that results from land being cleared or partially cleared of vegetation to help prepare the land for a different use.

"Prohibited burning materials" means waste material including demolition, renovation or construction waste material and those materials listed in the "Open Burning Smoke Control Regulation" enacted pursuant to the "Waste Management Act" as amended from time to time, including the following: tires, plastics, drywall, demolition waste, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers, biomedical waste.

"Service area fire department" means Wilson's Landing Fire Protection Local Service Area, Ellison Fire Protection Local Service Area, North Westside Road Fire Protection Local Service Area, June Springs Fire Protection Service Area, Brent Road Fire Protection Service Area, Lakeshore Road Fire Protection Service Area, Joe Rich Fire Protection Local Service Area and Westside Fire Protection Service Area.

4. Delete the existing Section 7 in its entirety and replace it with the following:

"7) Burning

- a) All burning authorized by this bylaw is subject also to the requirements of the Regional District of Central Okanagan Smoke Control Regulatory Bylaw No. 773.
- b) This bylaw does not regulate *open burning* or campfires outside of the boundaries of the Regional District of Central Okanagan Service Area Fire Departments and is not designated or intended to replace the jurisdiction of the Wildfire Act outside of the boundaries of the Regional District of Central Okanagan Service Area Fire Departments.
- c) Within the boundaries of the Regional District of Central Okanagan Service Area Fire Departments no person shall start or burn a fire of any kind in the outdoors, other than a campfire, without first having obtained a permit to do so from the *Fire Chief*.
- d) The *Fire Chief* may issue a permit for *open burning* on lots having an area greater than one hectare except the *Fire Chief* may issue a permit for *open burning* on lots less than one hectare where safety of the public from the hazard of combustible vegetative material will be better served by *open burning* on those parcels.
- e) The person to whom a permit for *open burning* has been issued shall be responsible for the management of the fire.
- f) The person to whom a permit for *open burning* has been issued shall maintain a minimum separation of thirty meters between the location of the open burn fire and any building or forested area.

- g) The person to whom a permit for *open burning* has been issued shall ensure that all material to be burned originates from the parcel of land on which it is to be burned.
- h) The person to whom a permit for *open burning* has been issued shall ensure that only *permitted burning materials* are burned.
- i) The person to whom a permit for *open burning* has been issued shall ensure that all burning is conducted and concluded between 7:00 a.m. and sunset of the same day except as authorized in Section 7) j).
- j) The person to whom a permit for *open burning* has been issued may continue a fire beyond one day to a maximum of three days for large dried material such as stumps and wood in excess of eight inches in diameter, however, no further *permitted burning materials* shall be added to the fire after 5:00 p.m. of each day of the fire. The fire shall be maintained at all times as a substantially smokeless fire.
- k) The person to whom a permit for *open burning* has been issued shall ensure that the *permitted burning materials* are not from land being prepared for a different non-farming use. (e.g. farmland to residential, forest land to residential, forest land to open area or rural lands to subdivisions, etc.)
- l) Regardless of the issuance of permit, the person to whom a permit for *open burning* has been issued shall not burn unless the venting index as provided daily by the Environment Canada is fifty four (54) or greater when the fire is started.
- m) Regardless of the issuance of permit, the person to whom a permit for *open burning* has been issued shall not burn during fair or poor air quality conditions, when the air quality index is above twenty-five (25), as defined by the Ministry of Environment, based on information provided by Environment Canada and Ministry of Environment.
- n) The person to whom a permit for *open burning* has been issued shall have a competent person at all times in charge of the fire.
- o) The person to whom a permit for *open burning* has been issued shall control the fire so that it does not:
 - i. spread beyond the extent of a pile being burned,
 - ii. damage adjacent property or
 - iii. cause a nuisance.
- p) The person to whom a permit for *open burning* has been issued shall ensure that *prohibited burning materials* are not burned in the fire.
- q) No person shall burn in or allow a fire to continue to burn in a domestic outdoor or backyard incinerator or any structure functioning as a domestic incinerator or burning barrel or similar device.

- r) The use of a campfire shall be in accordance with the Regional District of Central Okanagan Smoke Control Regulatory Bylaw No. 773. This authorization for the use of campfires may be suspended by the *Fire Chief* at any time that conditions indicate that it is too hazardous to allow campfires to be burned.
 - s) The *Fire Chief* may issue a permit for air curtain burning for the purposes of disposing of the fuels created from fuel modification and hazard reduction in wildfire interface areas and for disposal of land clearing waste subject to the conditions that:
 - i. the burn produces no visible smoke once fully operative.
 - ii. the conditions of 7) o) apply to the air curtain burn.
 - iii. only wood waste is burned.
 - t) The *Fire Chief* may suspend, cancel, restrict or change the conditions of any burning permits as necessary due to development of hazardous conditions, adverse weather or other such circumstances as arise from time to time.
 - u) The *Fire Chief* may issue permits for burning with the time periods from September 1st in one year to April 30th of the following year.
 - v) Notwithstanding Section 7) u) the *Fire Chief* may issue a special burning permit to handle a specific hazard at any time during the year subject to any conditions the *Fire Chief* considers necessary to achieve a safe burn or may extend or decrease the general allowable *open burning* period where local climate and weather situations warrant such a change.
 - w) In addition to any other remedy or offence imposed by this, a person who starts a fire without a valid permit or fails to manage a fire for which a permit has been issued shall be responsible for the costs of providing the personnel and equipment used to extinguish the fire or to suppress any escape or threatened escape of the fire.”
5. In Section 11) b) delete the reference “Section 7.6” and replace it with the reference “Section 9) f”).
6. Delete the existing Section 8 Inspections in its entirety and replace it with the following:
“8) Inspections
- a) An annual fire prevention inspection of occupancies and buildings as required by the Fire Services Act, shall be carried out by or on behalf of the Regional District of Central Okanagan except such annual inspection may be averaged out over any three year period taking into account the issues noted in Section 8) b).
 - b) The system of fire prevention inspections may be revised as necessary throughout the year to take into account the following issues:
 - i. Available resources.
 - ii. Outstanding scheduled inspections.
 - iii. Community growth.

- iv. Economic viability.
- v. Fire investigations.
- vi. Illness and/or injury.
- vii. Education leave.
- viii. Training requirements.
- ix. Scheduled vacation.
- x. Required expertise.
- xi. Other duties.
- xii. Unforeseen emergencies.

c) A fire prevention inspection made by or on behalf of the Regional District of Central Okanagan shall in no way relieve the owner of the building or premises from full responsibility for the safety of the building or premises."

7. This bylaw may be cited as the "Regional District of Central Okanagan Fire Prevention and Regulations Amendment Bylaw No. 1157, 2006".

READ A FIRST TIME THIS	27th	DAY OF	February	2006.
READ A SECOND TIME THIS	27th	DAY OF	February	2006.
READ A THIRD TIME THIS	27th	DAY OF	February	2006.
RECONSIDERED AND ADOPTED THIS	27th	DAY OF	February	2006.



 CHAIR



 DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1157 cited as the "Regional District of Central Okanagan Fire Prevention and Regulations Amendment Bylaw No. 1157, 2006, as read a third time and adopted by the Regional Board on the 27th day of February, 2006.

Dated at Kelowna, B.C. this
 28th day of February, 2006.



 DIRECTOR OF CORPORATE SERVICES