

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 283

A bylaw for regulating the lighting of fires in the Fanny Bay fire protection service

WHEREAS the board of the Comox Valley Regional District provides fire prevention and suppression services to persons or property situated in the Fanny Bay fire local service under Bylaw No. 1992 being “Fanny Bay Fire Protection Local Service Area Conversion Bylaw No. 1992, 1997”;

AND WHEREAS the regional district board may, by bylaw, regulate the activities under the service, including establishing regulations for the lighting of fires in the Fanny Bay fire protection service area;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Definitions

1. For the purposes of this bylaw, unless the context otherwise requires:
 - (a) “beach fires” means an outdoor fire located on all land below the natural boundary of the Georgia Strait.
 - (b) “camp Fires” means an outdoor fire started and maintained within a fire pit.
 - (c) “extraordinary fire” means a fire response call that, in the opinion of the fire chief, acting reasonably, requires any of the use of:
 - foam or fire retardant gels
 - fire crew and fire truck
 - specialized machinery
 - mutual aid resourcesmaterially beyond what is typically required to respond to a fire
 - (d) “extraordinary fire costs” means costs, over and above those costs associated with a fire that is not an extraordinary fire
 - (e) “fire chief” means the fire chief of the Fanny Bay volunteer fire department or his/her designate in the absence of the fire chief
 - (f) “fire department” means the Fanny Bay volunteer fire department.
 - (g) “fire pit” means an enclosure or surround of non-combustible material such as iron rings, or stone masonry surrounds no larger than one meter in diameter.
 - (h) “members” means a volunteer fire fighter or auxiliary of the department including every officer and the fire chief and the deputy chief.
 - (i) “natural boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

- (j) “noxious material” means any material which, burned, produces harmful and polluting exhaust fumes into the air and/or leaves residues which are harmful and polluting, including but not limited to gasoline, oil, kerosene, tar, asphalt, plastic and tires.
- (k) “outdoor fires” means a fire in the open air where the products of combustion are not conveyed and disposed of by means of a chimney constructed and maintained in accordance with the B.C. Building Code and the B.C. Fire Code and excludes beach fires and campfires.

General conditions

- 2. (1) This bylaw applies to outdoor fires, beach fires and camp fires on all privately-owned and publicly-owned properties located in the Fanny Bay fire protection service area.
- (2) In the event of a conflict between a provision of this bylaw and a provision of the *National Fire Code of Canada*, the *Forest Act* (British Columbia) or the *Forest Practices Code of British Columbia Act*, the provisions of the *National Fire Code of Canada*, the *Forest Act* (British Columbia) or the *Fire Practices Code of British Columbia Act* shall prevail.
- (3) Except as permitted by this bylaw, no person shall start or maintain an outdoor fire, a beach fire or camp fire.
- (4) (a) The fire chief shall adhere to and enforce any closure to outdoor fires, beach fires and campfires enacted by the Federal or Provincial Government, under a provision of the *National Fire Code of Canada*, the *Forest Practices Code of British Columbia Act* or the *Forest Act* (British Columbia) by enacting a closure to all outdoor fires, beach fires and campfires and that closure will have effect and shall take precedence over any provisions of this bylaw.
- (b) If the fire chief is of the opinion that conditions are not safe for an outdoor fire, beach fire or campfire, owing to drought, lack of precipitation, accumulation of flammable materials, wind conditions or any other reason and the Provincial and Federal Governments have not issued a fire closure, the fire chief may enact a fire closure.
- (c) Following the enactment of a closure pursuant to sections 2(4)(a) and 2(4)(b) of this bylaw, the fire chief may post a notice advising that outdoor fires, beach fires and campfires are not allowed and no person shall start or maintain an outdoor fire, a beach fire or camp fire until the notice is removed by the fire chief.
- (5) The fire chief must post copies of the notice in at least two locations where it is reasonable to expect that they will be visible to members of the public.
- (6) No person shall burn any garbage, animal organic waste, rubber, tires, oil, tar, asphalt shingles, battery boxes, plastic material, polypropylene, polystyrene, electric wires, plastic pipe, adhesives, hydro carbons or any similar material which may be toxic and which may or may not produce heavy black smoke or create a noxious odor.
- (7) Outdoor fires, beach fires and camp fires shall from the time they are ignited until they are completely extinguished be kept under control at all times and supervised by a person at least 16 years old.
- (8) No person shall obstruct or prevent the fire chief from carrying out inspections or enforcing the regulations of this bylaw.

Outdoor fires – permits

3. (1) No person shall light, ignite, or maintain an outdoor fire or cause or permit an outdoor fire to be lit, ignited or maintained in the open air without first completing the application form and obtaining a fire permit from the fire chief.
- (2) The fire chief may issue permits for outdoor fires and may attach to a permit whatever conditions in his or her opinion are advisable.
- (3) The chief may withhold any permit or cancel any permit issued where in his or her opinion, the igniting of an outdoor fire may create a hazard to persons or property.
- (4) A permit shall be in writing and is valid only for the purpose stated in the permit and for the time set out in the permit.
- (5) A permit is not required for the burning of domestic waste in a metal or masonry container fitted with a metal screen or grill of less than 9.5 mm (3/8 inch) mesh to restrict sparks or flying debris during the hours of sunrise to sunset unless a notice that permits will be required for all or any such outdoor fires during the period specified in the notice.
- (6) No person is required to obtain a permit for the occasional burning of domestic waste material from sunrise to sunset on any day from November 1st in any year to March 31st of the following year, unless a notice is published that permits will be required during the period specified in the notice.

Beach fires

4. (1) Beach fires shall only be ignited with wood and used for warmth or cooking.
- (2) Beach fires will be permitted only below the natural boundary and must be a minimum of three meters from driftwood, slash, grass or other combustible material.
- (3) Beach fires shall be no larger than one meter in diameter.
- (4) A beach fire must be completely extinguished with water and not by covering the fire with sand or other material, by 12:00 midnight.

Camp fires

5. (1) Camp fires shall not be ignited or maintained from standing trees, stumps, slash or other flammable debris or wooden structures.
- (2) Camp fires shall not be ignited within three meters of trees, stumps, logs, wooden structures or any other combustible material.
- (3) No person shall ignite or maintain a camp fire greater than one meter in diameter.
- (4) No person shall ignite or maintain a camp fire except in a fire pit.
- (5) All flammable material shall be removed down to mineral soil for not less than one meter in all directions from the perimeter of the fire pit.
- (6) A person who ignites a camp fire shall ensure that an effective means of extinguishing the fire is available immediately adjacent to the fire pit at all times while the fire is maintained.
- (7) A camp fire, other than a camp fire ignited and maintained on private property, shall be extinguished by 10:00 p.m.

Cost recovery fees and charges for extraordinary fires and scene security costs

6. (1) The owner of property on which an extraordinary fire occurs or on which scene security costs are incurred shall be liable for a charge for extraordinary fire costs and/or scene security costs in accordance with the rates set out in schedule "A", as amended or replaced from time to time.
- (2) The regional district may recover all costs and expenses it incurred incidentally to the taking of any measures pursuant to an extraordinary fire jointly and severally from any person who at the time had the charge, management or control of the building or property that is the subject of the charge, which costs and expenses are set out in schedule "A" attached to and forming part of this bylaw. If that person fails to pay those costs and expenses within 6 months after they were incurred, the regional district may recover those costs and expenses from the owner of the building or property by direct invoice, together with costs and interest at a rate set out in the *Taxation (Rural Area) Act*. Default on those costs, expenses and interest will result in their being added to the property taxes of the owner of the building or property.

Penalties

7. Every person who:
 - (a) contravenes or violates any provision of this bylaw or any permit or order issued under this bylaw;
 - (b) causes, suffers or permits any act or thing to be done in contravention or in violation of any provision of this bylaw or any permit or order issued under this bylaw; or
 - (c) neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or any permit or order issued under this bylaw;commits an offence and shall be liable, on summary conviction, to a fine not exceeding \$2,000.00 and, where the offence is a continuing one, each day that the offence continues must be considered a separate offence.

Severability

8. Should any section or provision of this bylaw be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the bylaw as a whole or any part thereof, other than the part so declared to be invalid.

Gender and number

9. Wherever the singular or masculine is used in this bylaw, the same shall be construed as meaning the plural, feminine or the body corporate or politic where the context or the parties so require.

Repeal

10. Bylaw No. 1947 being "Fanny Bay Fire Control Bylaw No. 1947, 1997" and any amendments made to the bylaw are repealed upon the adoption of this bylaw.

Citation

This Bylaw No. 283 may be cited for all purposes as "Fanny Bay Fire Protection Service Regulation Bylaw No. 283, 2013."

Read a first and second time this 26th day of November 2013.

Read a third time this 26th day of November 2013.

Adopted by two-thirds of the votes cast this 26th day of November 2013.

E. Grieve

J. Warren

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 283 being "Fanny Bay Fire Protection Service Regulations Bylaw No. 283, 2013" as adopted by the board of the Comox Valley Regional District on the 26th day of November 2013.

J. Warren

Corporate Legislative Officer

SCHEDULE A

Extraordinary Fire Charge and Scene Security Costs

1. The charge for the cost of fighting an extraordinary fire shall be calculated on the basis of the following:

Hourly cost of each fire crew and fire truck (one hour minimum)	Costs are in accordance with the provincially established rental rates for fire apparatus and personnel identified in the Inter-Agency Working Group report as revised from time to time.
Scene security costs	Actual cost
Hourly cost of specialized machinery <ul style="list-style-type: none">• (includes heavy machinery required in combating the fire)	Actual cost
Fire retardant gel/per unit cost	Actual cost
Fire retardant foam/per unit cost	Actual cost
Mutual aid costs	Actual cost

2. Despite section 1, if the costs of extraordinary fire suppression as actually incurred by the regional district are less than the amounts calculated under section 1, the extraordinary fire charge shall be the lesser amount.