

**qathet REGIONAL DISTRICT**

**BYLAW NO. 549**

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**Being a bylaw to control outdoor fires on Savary Island.**

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**WHEREAS** the Board of the qathet Regional District has provided for a fire prevention service within the Savary Island Fire Protection Service Area which comprises a portion of Electoral Area "A";

**AND WHEREAS** the Board of the qathet Regional District has authority under the Local Government Act to regulate in relation to fire safety and matters under the *Fire Services Act* within the Savary Island Fire Protection Service Area;

**NOW THEREFORE** the Board of the qathet Regional District, in open meeting assembled, enacts as follows:

**Definitions**

1. In this bylaw:

“Burn pile” means all outdoor fires regardless of size, other than campfires. This definition includes burn barrels and other containers where the products of combustion are not vented through a structure that has a flue and is incorporated in a building.

“Campfire” means outdoor fires used for cooking, warmth or recreational purposes only and is no more than 0.5 metres high and 0.5 metres in diameter.

“Enforcement Officer” means a member of the Savary Island Volunteer Fire department, a regional district bylaw enforcement officer, or a member of the Royal Canadian Mounted Police.

“Fire Chief” means the person appointed as the head of the Fire Department.

“Fire Department” means the Savary Island Volunteer Fire Department.

“High risk activity” means any of the following: mechanical brushing, disk trenching, preparation or use of explosives, using fire- or spark- producing tools including cutting tools, using or preparing fireworks or pyrotechnics, grinding, mechanical land clearing, skidding logs, using a vehicle with metal tracks, chains or studs, operating a power saw, clearing or maintaining right of ways, including grass mowing, rock drilling, tree processing including de-limbing, welding, portable wood chipping, milling, processing or manufacturing.

**General Conditions**

2. This bylaw applies to the Savary Island Fire Protection Service Area as defined by the Savary Island Volunteer Fire Department Operations Bylaw No. 505, 2015.
3. No person shall ignite or maintain a burn pile during the months of June, July, August and September.
4. No person shall light or maintain any campfire during the months of July, August, and September.
5. If in the opinion of the Fire Chief, local conditions have become hazardous or adverse weather conditions exist, the Fire Chief may prohibit burn piles or campfires at any time of year for as long as the Fire Chief deems appropriate.
6. If at any time the Fire Chief deems it advisable, the Fire Chief may order one or more of the high risk activities to be prohibited for a specified period of time.
7. The Fire Chief must announce any prohibitions issued under sections 5 or 6 by posting a notice at the fire hall and copies of the notice in at least two (2) other conspicuous locations on Savary Island.
8. If the Fire Chief has posted an outdoor fire prohibition notice under section 5, then no person shall start or maintain a burn pile or campfire while the notice is in place.
9. If the Fire Chief has posted a high risk activities prohibition notice under section 6, then no person shall conduct the prohibited activity outdoors while the notice is in place.
10. Every person who ignites or maintains an outdoor fire must ensure that the fire is:
  - (a) under control at all times;
  - (b) supervised by a competent person who is at least 16 years old;
  - (c) more than 15 meters from any building;
  - (d) more than 3 meters from any combustible material;
  - (e) immediately adjacent to a sufficient supply of water or other substance that could extinguish the fire; and
  - (f) located in an area where all flammable material has been removed down to mineral soil for at least one (1) metre in all directions from the outer perimeter of the fire.

11. Every person who intends to construct and ignite a burn pile of material that is larger than 1 metre in diameter and 1 metre in height must notify the Fire Chief at least 24 hours ahead of igniting the burn pile.
12. No person shall construct or ignite a burn pile where the material to be burned is larger than 3 metres in diameter and 2 metres in height.

### **Enforcement**

13. No person shall obstruct or prevent an Enforcement officer from carrying out inspections or enforcing the regulations of this bylaw.
14. An Enforcement Officer may enter onto and into property, at all reasonable times to inspect and determine whether all regulations, prohibitions and requirements under this bylaw are being met.
15. (a) Any person who violates any provision of this bylaw shall be liable, upon summary conviction, to a fine of not less than \$50.00 and not greater than \$2,000.00.  
  
(b) Where any violation continues, each day in which it continues shall be deemed to be a separate violation for the purposes of prosecution under this bylaw.
16. This Bylaw is designated pursuant to section 264 of the *Community Charter*, S.B.C. c. 26 as a bylaw that may be enforced by means of a ticket in the form prescribed.
17. Enforcement Officers are authorized to enforce this bylaw by means of a ticket under section 264 of the *Community Charter*.
18. The words or expressions listed in Column 1 of Schedule "A" of this bylaw are authorized to be used on a ticket pursuant to section 264(1)(c) of the *Community Charter* to designate an offence against the corresponding section of this bylaw appearing in Column 2. The amounts appearing in Column 3 are the fines set pursuant to section 265 of the *Community Charter* for contravention of the corresponding section of this Bylaw appearing in Column 2.

### **Severability**

19. If any section, subsection or clause of this bylaw is declared or held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.



**SCHEDULE A**

**Municipal Ticket Information: Offences and Fines**

**Bylaw No. XXX**

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
<u>DESIGNATED EXPRESSION</u>	<u>SECTION</u>	<u>FINE</u>
Prohibited burn pile	3	\$500.00
Prohibited campfire	4	\$500.00
Prohibited fire	8	\$500.00
Prohibited high risk activity	9	\$500.00
Out of control fire	10(a)	\$500.00
Unsupervised fire	10(b)	\$200.00
Fire too close to building	10(c)	\$200.00
Fire too close to combustible material	10(d)	\$200.00
Fire too far from fire suppression system	10(e)	\$200.00
Flammable material near fire	10(f)	\$200.00
Fail to give notice of burning	11	\$200.00
Oversize fire	12	\$200.00
Obstruct Enforcement Officer	13	\$500.00