

**THE CORPORATION OF THE CITY OF ROSSLAND
BYLAW #2383**

**A BYLAW TO PROVIDE REGULATIONS FOR LAND
CLEARING BURNING AND BACKYARD BURNING**

WHEREAS the Community Charter (RSB 1996 Chapter 26) authorizes the Council of the City of Rossland to regulate the use of fires in the open air or elsewhere.

NOW THEREFORE the Council of the City of Rossland in open meeting assembled ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the "The City of Rossland Burning Bylaw No. 2383".

INTERPRETATION

2. (1) For the purposes of this Bylaw, the following words and expressions are defined:
 - (a) 'Council' means the Council of the City of Rossland.
 - (b) 'Demolition Waste' means any material resulting from or produced by the complete or partial destruction or tearing down of any structure.
 - (c) 'Domestic Waste Materials' means household material and food waste, including newspaper and cardboard.
 - (d) 'Fire Service' means the Kootenay Boundary Regional Fire and Rescue Service.
 - (e) 'Land Clearing' means the removal of trees and other plant material to prepare property for subdivision or building purposes.
 - (f) 'Manager of Public Works' means the person appointed by the City Administrator as the Manager of Public Works.
 - (g) 'Notice' means the City of Rossland website, and local newspaper circulated in the City of Rossland.

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- (h) Open burning - means the combustion or burning of any substance or material in the open air by any means, but shall not include:
 - a) the operation of a permanent outdoor barbecue or outdoor portable barbecue intended for and used solely for the preparation of food.
 - b) fires used or recommended by the Ministry of Forests to manage ecosystems for purposes of silviculture management, forest fuel management, fire hazard reduction, wildlife enhancement, domestic range improvement and the use of fire as a means of fire control.
 - c) burning lawfully conducted under permit as part of a farm operation, pursuant to the provisions of the Farm Practices Protection (Right to Farm) Act.
 - d) recreational fires.
 - e) permit holder is the person who has been issued a permit in accordance with this bylaw.
- (i) 'Prohibited Material' includes tires, plastics, drywall, demolition waste, construction waste, paint and paint products, treated lumber, asphalt, asphalt products, rubber, fuel and lubricant containers, biomedical waste, tar paper, railway ties, manure or any other material defined as prohibited by the Province of BC Ministry of Environment.
- (j) 'Recreational Fire' means the burning of wood for recreational purposes, in a permanent outdoor fireplace, barbecue or fire pit, no larger than 90 cm in diameter, that is designed and constructed to confine the fire and is suitable for such a purpose, or within a fully enclosed burner or similar device.

OPEN BURNING

- 3. (1) Except as hereinafter provided, no person shall light, ignite or allow or cause to be lighted or started a fire of any kind whatsoever in the open air without first obtaining a Special Burning Permit in the form of Schedule "A" attached hereto and forming part of this bylaw.
- (2) Yard waste burning is prohibited at all times.

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- (3) The Manager of Public Works or designate may issue a "Special Burning Permit " for open air burning of material accumulated from urban interface clearing, agricultural pruning and land clearing or to remove a fire hazard.
- (4) No person to whom a Special Burning Permit has been issued under this bylaw, or in any fire, shall burn any material as prohibited in the B.C. Reg. 145/93, Ministry of the Environment, as amended from time to time.
- (5) Every person to whom a Special Burning Permit has been issued under this bylaw shall place and keep a competent person at all times in charge of such fire while the same is burning or smoldering and until such fire is completely extinguished, and shall provide that person with sufficient resources to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property. The Permit holder shall be responsible for the care and control of such fire until it is extinguished. The Permit holder shall be responsible for the extinguishing of a fire which creates a nuisance and is ordered extinguished by the Fire Chief, Manager of Public Works or their designates.
- (6) The Manager of Public Works or designate may cancel or refuse to issue a Special Burning Permit whenever burning, having regard to all the prevailing circumstances, would likely be hazardous or create a nuisance.
- (7) Fires shall not be started when wind and weather are such that to do so is likely to be hazardous.
- (8) Burning under a Special Burning Permit is to occur on days when the smoke ventilation index is greater than 55, as reported by the Weather office for Rossland and area.
- (9) A Special Burning Permit is not required as outlined in interpretation item (h).
- (10) Where burning, under Special Burning Permit or the conditions of 3.9 (above), creates a nuisance or hazardous conditions exist, such burning may be banned by the Fire Chief, Manager of Public Works or their designates. Alternatively, the Fire Chief, Manager of Public Works or their designates may require the use of curtain burners or pit systems.
- (11) Any fire started under the above regulations shall be extinguished by the property owner upon request of the Fire Chief, Manager of Public Works or their designates.
- (12) Officers, employees or agents of the City of Rossland may make orders directing the owners or occupiers of property to bring the fire into compliance with the bylaw.

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RIGHT OF ENTRY

4. (1) Officers, employees or agents of the City of Rossland may enter at all reasonable times any property that is subject to the requirements or regulations of this bylaw, to ascertain whether the regulations in this bylaw or directions made under this bylaw are in compliance.
- (2) The Fire Service is authorized to order a fire to be extinguished.
- (3) No person shall obstruct or prevent the officers, employees or agents of the City of Rossland from conducting an inspection under this bylaw.

LIABILITIES FOR DAMAGES

5. (1) If an order under section 4.(3) is disobeyed, the Fire Service may extinguish the fire at the expense of the person responsible for the fire, and the City may recover the expense from that person in the same manner as municipal property taxes in accordance with the Community Charter.
- (2) This bylaw shall not be construed to hold the City of Rossland nor its authorized agent or agents responsible for any damage to persons or property by reason of:
 - (a) inspections authorized by this bylaw, or
 - (b) failure to carry out an inspection, or
 - (c) permission granted as an exception to or a relaxation from the restrictions imposed by this bylaw.

SCOPE AND PENALTIES

6. (1) In the event of there being any conflict between the terms and provisions of this bylaw and the terms and provisions of the Fire Services Act or the Waste Management Act and regulations there under or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.
- (2) Any person guilty of an offence under this bylaw shall be punishable as a minimum, in accordance with the applicable provisions of the Offence Act.
- (3) Any person who commits an offence contrary to the provisions of this bylaw shall be liable to a maximum fine of two thousand dollars (\$2,000.00).

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- (4) Each day a violation is caused or allowed to continue constitutes a separate offence.

ENACTMENT

- 7. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
RECONSIDERED AND FINALLY ADOPTED

November 26, 2007
November 26, 2007
November 26, 2007
December 10, 2007

Mayor

City Clerk

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SCHEDULE "A"

Attached to and forming part of Bylaw 2383

SPECIAL BURNING PERMIT

DATE: _____
Year / Month / Day

PERMISSION IS HEREBY GRANTED TO:

Applicant: _____

Address: _____ Phone: _____

Person in charge at burn: _____ Phone: _____

_____ Urban Interface Clearing

_____ Land Clearing

_____ Agricultural Pruning

_____ Removal of a Fire Hazard

Special Instructions and conditions of burning - see reverse

_____ The Corporation of the City of Rossland
Signature of Applicant

The Permit expires: _____ PER: _____
Year / Month . Day