

**\*\* THIS IS NOT THE OFFICIAL VERSION \*\***

**THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH**

**BYLAW NO. 1091**

**A Bylaw to Regulate Open Air Burning and to Prevent the Spread of Fire**

\* Consolidated for Convenience Purposes \*  
Including Bylaw Nos. 1153 and 1384  
For Official Purposes Please Refer to Original Bylaw Documents

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The Municipal Council of the Corporation of the District of Central Saanich, in open meeting assembled, enacts as follows:

**Title**

1. This Bylaw may be cited for all purpose as ***the "Central Saanich Open Air Burning Regulation Bylaw No. 1091, 1993"***.

**Definition**

2. In this Bylaw, unless the content otherwise requires:

(a) The following terms and expressions shall have the meaning, herein after, assigned to them.

**"Authorized"** shall mean authorized by the Chief of the Fire Department.

**"Authorized Incinerator"** shall mean any metal or masonry container, fitted with a metal screen or grill of 9.5 mm (3/8") mesh or less to restrict any sparks or flying debris and are permitted to be used in the District.

**"District"** shall mean the Corporation of the District of Central Saanich.

**"Fire Chief"** shall mean the Fire Chief of the Corporation of the District of Central Saanich or any person designated to act on the Fire Chief's behalf.

**"Police Chief"** shall mean the Chief Constable of the Corporation of the District of Central Saanich or any person designated to act on the Chief Constable's behalf.

**"Smoldering"** shall mean to burn sluggishly, without flame, and often with much smoke.

**"Demolition Waste"** shall mean any material resulting from or produced by the complete or partial destruction or tearing down of any structure.

**"Domestic Waste"** shall mean house hold material but excluding paper and cardboard.

**"Bona Fide Agricultural Purpose"** shall mean agricultural burning of crops, or stubble, or burning ordered for the purpose of fire safety, but excluding land clearing burning.

**Right of Entry**

3. The Fire Chief or the Police Chief is, hereby, empowered to enter at all reasonable times upon any land or premises subject to this Bylaw for the purpose of ascertaining whether the provisions of this Bylaw are being observed.

**Burning**

4. (a) Except as provided in this Bylaw, no person shall light, ignite, or maintain any fire in the open air without first obtaining a permit in the form attached hereto as Schedule "A" and forming part of this Bylaw.  
  
(b) Except as provided for in this Bylaw, no person shall light, ignite, or maintain any fire or permit any fire to be lit, ignited, or maintained in an authorized incinerator without first obtaining a permit in the form attached hereto as Schedule "B" and forming part of this Bylaw.  
  
(c) Applications for an open air burning and an authorized incinerator permit shall be made to the Fire Chief in the prescribed form and shall be accompanied by a fee of \$20.00 for each

permit. A fee of \$35.00 will be charged if an inspection is required pertaining to open air burning permits or authorized incinerator permits.

### **Issuance**

5. (a) The Fire Chief may prohibit any or all types of outdoor fires when atmospheric conditions, or local circumstances may, in the opinion of the Fire Chief, make burning hazardous.
- (b) The Fire Chief or Police Chief may cancel any permit issued where, in the opinion of the Fire Chief or Police Chief, the igniting or maintaining a fire in the area for which the permit was issued may create a hazard to persons or property.

### **Authorized Open Air Burning**

6. The permit holder of an authorized open air fire shall ensure that:
  - (a) Where a permit for open burning has been issued, all conditions set out on the permit are met.
  - b) No person shall kindle, light, ignite, start, allow or cause to be lighted or maintain a fire on land of another persons without the permission of the owner thereof or the owners agent.
  - (c) No person shall kindle, light, ignite, start, allow or cause to be lighted or maintain a fire on any lane, street, road, highway, boulevard, easement, right-of-way, or any other property controlled by the District without the written authority of the District.
  - (d) The person who starts a fire shall keep a competent person or person's at all times in charge of such fire while it is burning or smoldering and until it is completely extinguished and shall provide that person or those persons with efficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property.
  - (e) No person shall burn rubber, plastic materials, drywall, demolition waste, domestic waste, paint, tar paper, treated lumber, railway ties, manure, asphalt, asphalt products, fuel and lubricant containers, or biomedical waste.
  - (f) No person shall burn or cause to be burnt materials which will be a nuisance by the reason of ashes or toxic smoke or fumes.
  - (g) During the months of May, June, July, August, September, and October in any year authorized open air fires shall be located at least:
    - i) 7.5 meters (25 feet) from any property line.
    - ii) 60 meters (200 feet) from any building or structure.
    - iii) 60 meters (200 feet) from any standing timber or brush and be limited in size not greater than 1 meter (3 feet) in diameter, or as required for a bona fide agricultural purpose.
  - (h) During the months of November of one year to May 1 of the following year authorized open air fires shall be located at least:
    - i) 7.6 meters (25 feet) from any building, structure, wooden fence, combustible material or property line, and be limited in size not greater than 1 meter (3 feet) in diameter.
  - (i) During the months of November, December, January, and February, authorized open air fires greater than 1 meter (3 feet) in diameter shall:
    - i) not exceed 10 cubic meters per hectare per month.
    - ii) not burn for a duration of more than 24 hours.
    - iii) maintain burning on same land, or adjacent to where the material originated.
    - iv) not use material other than dry wood, paper, cardboard, or diesel fuel to start or enhance the fire and be located at least 7.5 meters (25 feet) from any property line and 60 meters (200 feet) from any building or structure or standing timber or as required for a bona fide agricultural purpose.
  - (j) During the month of November of one year to the month of May of the following year fires not greater than 1 meter (3 feet) in diameter do not require a permit.
  - (k) The permit holder shall be responsible for all costs incurred to suppress any fire that escapes or is caused from the authorized open burning.

**Authorized Incinerators**

7. The owner of an authorized incinerator shall ensure:
- (a) That the authorized incinerator is maintained in a condition that provides for the proper combustion of materials to be burned.
  - (b) That while in use, the permit holder, or some competent person shall supervise any burning and ensure that equipment necessary for fire control is available.
  - (c) The permit holder shall be responsible for all costs incurred to suppress any fire that escapes or is caused from burning in an authorized incinerator.
  - (d) No person shall burn rubber, plastic materials drywall, demolition waste, domestic waste, paint, tar paper, treated lumber, railway ties, manure, asphalt, asphalt products, fuel and lubricant containers, or biomedical waste.
  - (e) No person shall burn or cause to be burnt material which will be a nuisance by the reason of ashes or toxic smoke or fumes.
  - (f) That the incinerator is located at least:
    - i) 1.5 meters (5 feet) from any shrubbery, wooden fence or other combustible material; and
    - ii) 7.6 meters (25 feet) from any building.

**Restrictions****8. Prohibited Authorized Open Air Burning**

- (a) No person shall maintain or cause to be maintained, or have any fire burning or smoldering:
  - i) Between the hours of 12 noon Saturday and sunrise of the following Thursday; or
  - ii) On any Statutory Holiday.

**9. Prohibited Use of Authorized Incinerator**

- (a) No person shall maintain or cause to be maintained, or have any fire burning or smoldering:
  - i) Between sunset of one day and sunrise of the following day; or
  - ii) Between the hours of 12 noon Saturday and sunrise of the following Thursday; or
  - iii) On any Statutory Holiday; or
  - iv) During the months of May through October inclusive of any year.

**10. Sections, 5, 6, and 8 do not apply to:**

- (a) A small confined authorized fire in the open air situated upon private property for the purpose of cooking food.

**11. Section 8 does not apply to burning for a bona fide agricultural purpose.****Exemptions**

12. This Bylaw does not apply to fires used for fire training of fire fighters.

**Penalty**

13. Any person who violates any provision of this Bylaw shall be liable, upon conviction, to a maximum penalty of \$2,000 (two thousand) as authorized under the offenses act.

**Commencement Date**

14. This Bylaw will commence on January 1, 1994.

**Repeal**

15. Bylaw No. 1023, cited as the "Central Saanich Open Air Burning Regulation Bylaw No. 1023, 1991" is hereby repealed.