



THE CORPORATION OF THE VILLAGE OF ASHCROFT

COMMITTEE OF THE WHOLE AGENDA

**FOR THE MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS
OF THE VILLAGE OFFICE AT 6:00 PM ON MONDAY, MARCH 27, 2017**

1. CALL TO ORDER

2. PRESENTATIONS

- 2.1. Mr. Larry Van Leest**
 - Concerns with indoor wood burning devices
- 2.2. Mr. Ray Bewza**
 - Follow up with Ombudsperson letter & information on Village's financial position
- 2.3. Bylaw to prohibit outdoor burning within Village of Ashcroft** **P. 1-9**
- 2.4. Other items as time permits**

3. TERMINATION

THE CORPORATION OF THE VILLAGE OF ASHCROFT

BYLAW NO. XXX

A bylaw to prohibit outdoor burning within the boundaries of the Village of Ashcroft.

WHEREAS a municipal council may, by bylaw, regulate or prohibit the release of effluvia that is liable to foul or contaminate the atmosphere pursuant to Section 64(c), under the authority of Section 8(3)(h), of the Community Charter.

NOW THEREFORE the Council of the Corporation of the Village of Ashcroft, in open meeting assembled, ENACTS AS FOLLOWS:

- 1) That this Bylaw may be cited as "Village of Ashcroft Outdoor Burning Bylaw No. XXX, 2017".
- 2) That Bylaw No. 651, cited as "Village of Ashcroft Fire Regulation Bylaw No. 651, 1999", and all amendments thereto, are hereby repealed.

Interpretation

- 3) In this Bylaw, unless the context otherwise requires,
 - a) "Village" means the Village of Ashcroft;
 - b) "Outdoor burning" means the burning of any material outside of an enclosed building;
 - c) "Portable burning device" means a device, either manufactured or homemade for the purpose of containing or facilitating the combustion of any material or fuel;
 - d) "Permit" means a permit issued by the Corporate Officer or designate in accordance with the provisions of this Bylaw.
 - e) "Household" means a dwelling or property that contains one or more people or family units.
 - f) "Fire Chief" means the Village Fire Chief or designate, as appointed by Village Council.
 - g) "Applicant" means the owner of a property, or the tenant named on the current lease for that property who is applying for a permit.

Prohibition

- 4) All outdoor burning of any combustible material or combination of materials by any person is prohibited within the municipal boundaries of the Village.

Exceptions

- 5) Notwithstanding Section 4, the following is permitted within the Village boundaries:
- a) Interface burning to prevent the spread of fire. This burning shall be permitted only on prior approval of the Corporate Officer by recommendation of the Fire Chief, or designate, and the Ministry of Forests; and shall be supervised by the Fire Chief or his designate.
 - i) Only natural fuels may be burned.
 - ii) Burn piles must be located at a distance of 50 meters from any structure or as designated at the discretion of the Fire Chief.
 - iii) The Corporate Officer, under the recommendation of the Fire Chief may permit burning of land clearing materials subject to sections d(i) and d(ii) above being met along with any other conditions listed on the permit.
 - iv) Where in the opinion of the Fire Chief a significant interface fire hazard exists on a private property and where all other avenues for removal of the hazardous fuels have been exhausted, the Fire Chief may recommend the Corporate Officer to grant the property owner permission for open burning subject to conditions specified by the Fire Chief through issuance of a permit set out in Schedule "C". Any such burning undertaken by the property owner shall be solely at the property owner's own risk and expense.
 - b) Fire Department training exercises on the approval of Council.
 - c) Burning lawfully conducted as part of a farm operation pursuant to the provisions of the *Farm Practices Protection (Right to Farm) Act*.
 - d) Fires for ceremonial or religious events subject to receiving prior approval from the Village through the issuance of a permit set out in Schedule "B".
 - e) Outdoor use of BBQ's or smokers that burn briquettes, charcoal, wood chips, propane or natural gas, for the purpose of cooking or preserving food.
 - f) Outdoor use of portable burning devices that operate with propane or natural gas for the purposes of warmth and ambiance, subject to the following provisions:
 - i) the device shall be situated at least 3 meters from any buildings, items constructed of wood, trees, and shrubs;
 - ii) no device shall be operated under trees, branches, or wires;
 - iii) the device shall be operated on a durable, non-combustible surface; and
 - iv) a person must adhere to the protective measures described in Section 11(g) of this Bylaw.

Permits

- 6) Permits are issued from the Village office and are valid only during the date, time and location specified on the permit.

- 7) All persons applying for a permit shall pay a non-refundable \$10.00 application fee.
- 8) A permit shall not be transferable.
- 9) A household may be issued a maximum of two (2) permits per year.
- 10) The Corporate Officer or designate has the sole authority to issue or deny a permit. The decision of the Corporate Officer will be based on the provisions contained within this Bylaw, consultation with the Fire Chief and the prevailing current conditions as declared by the Ministry of Forests, Lands, and Natural Resources Kamloops Fire Zone, and its successors; the decision made by the Corporate Officer is final and is not open to reconsideration.
- 11) The procedure to obtain a permit is as follows:
 - a) All persons wanting a burning permit for Ceremonial or Religious Events must complete the application located within Schedule "B" of this bylaw, not less than 7 days prior to the proposed date of the ceremony or religious event.
 - b) All persons wanting a burning permit for Interface Fuel Reduction must complete the application located within Schedule "C" of this bylaw, not less than 7 days prior to the proposed date for interface fuel reduction.
- 12) All persons approved for a permit for either Ceremonial and Religious Events or Interface Fuel Reduction are bound by the terms and conditions found within Schedule "B" and Schedule "C" respectively, of this bylaw.

Offence/Penalties

- 13) This bylaw is enforceable by any members of the RCMP, the Village Fire Chief, and any member of staff designated by Council. The aforementioned has the authority to enter onto private property as per the provisions contained in the Community Charter, Section 16(6)(a) and as amended.
- 14) Any person who contravenes any provision of the Bylaw, shall be deemed to be guilty of an infraction of the Bylaw and upon summary conviction, is liable to a fine not less than One Hundred Dollars (\$100.00) nor more than the maximum penalty provided under the Offence Act, and as amended.
- 15) All persons shall be liable to pay all Charge Out Fees as outlined in Schedule "A" of this Bylaw; and the Village shall be able to recover from such persons all costs as a debt owing to the municipality under the authority provided by the Community Charter Section 17 and as amended, where any person:
 - a) fails to obtain a Permit required under this bylaw; or

- b) obtains a Permit as provided for in the Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the Permit or the Bylaw; or
- c) contravenes any provision of this Bylaw; or
- d) allows a fire to spread beyond the control of the person or another emergency results therefrom.

READ A FIRST TIME THIS

READ A SECOND TIME THIS

READ A THIRD TIME THIS

ADOPTED AND COMES INTO FORCE THIS

DRAFT

**VILLAGE OF ASHCROFT
BYLAW NO. XXX
SCHEDULE "A"**

Charge Out Fees

The following rates for services for manpower, vehicles and equipment shall be recoverable by the Village for violations of 301(2) and 701 and for equipment call-outs by the Province of British Columbia. Call-out rates for manpower by the Province of British Columbia shall be as negotiated with the Village.

Manpower

Minimum two (2) hour call out for each firefighter at the rate of pay assigned to him or her, or for more than two (2) hour duration, the number of hours worked for each firefighter at the hourly rate of pay assigned to him or her, to equal the costs as paid out by the Village.

Vehicles Per Hour Rate

Equipment	Active	Standby
Engines,	\$500.00	\$250.00
Rescue Vehicle – R1	\$450.00	\$225.00

Equipment

At replacement costs.



VILLAGE OF ASHCROFT

601 Bancroft Street, PO Box 129,
Ashcroft, BC V0K 1A0

PHONE: (250) 453-9161 / FAX: (250) 453-9664

EMAIL: admin@ashcroftbc.ca WEBSITE:
www.ashcroftbc.ca

Bylaw No.
SCHEDULE "B"
Village of Ashcroft
Ashcroft Volunteer Fire Department

Burning Permit – Ceremonial and Religious Events

Applicant: (Please Print) _____

Civic Address: _____

Mailing Address: _____

Telephone Number: Home: _____ Work: _____

Date of Burn: _____ From: _____ To: _____

Location: _____

Purpose: _____

Fire Department Conditions: _____

Please see reverse for Conditions and Applicants Signature

Burning Permit Approved

Yes No

Corporate Officer or designate

Fee: \$10.00 Payable to the Village of Ashcroft

Fee Paid: Receipt # _____

**VILLAGE OF ASHCROFT
BYLAW NO.
SCHEDULE "B"**

1. An Open Burning Permit is for community events or rituals and is subject to the approval of the Corporate Officer or his designate.
2. Open burning is only permitted on private property unless through consent of Council. No Village property may be used other than by the Village of Ashcroft or its agent.
3. Open burning is to be carried out by the property owner, tenant or an agent acting on behalf of the property owner. The owner/occupant or agent accepts all responsibility for any liability as a result of the fire.
4. Any person who causes or through inadvertence, allows a fire to get beyond control and requires the assistance of the Ashcroft Volunteer Fire Department personnel shall be liable to a charge at cost for such assistance as specified in Schedule "A" of Bylaw No.
5. A competent person shall be in control of the fire until extinguishment.
6. Adequate appliances, equipment and personnel shall be provided by the permit holder so as to prevent the fire from getting beyond control.
7. Fires are to be extinguished or not started when wind and weather conditions are such that the fire becomes a hazard or creates a nuisance to surrounding properties.
8. Neighbors of adjoining properties are to be notified by the permit holder as to the times of the burn.
9. Conditions of fire:
 - a) Fire area to be no larger than 1 metre by 1 metre.
 - b) Fire to be kept a minimum of 3 metres to any house, tree, shrub or other combustible material.
 - c) No burning in barrels or other appliances, the fire is to be on the bare ground in a shallow pit.
 - e) Only seasoned wood, ceremonial branches/herbs or charcoal to be burned.

**This permit can be revoked at any time with or without cause by
The Village of Ashcroft Corporate Officer, Fire Chief or Designate**

I have read and fully understand the provisions of this permit and agree to all conditions.

Signature of Applicant: _____

Date: _____



VILLAGE OF ASHCROFT

601 Bancroft Street, PO Box 129,
Ashcroft, BC V0K 1A0

PHONE: (250) 453-9161 / FAX: (250) 453-9664

EMAIL: admin@ashcroftbc.ca WEBSITE: www.ashcroftbc.ca

**Bylaw No.
SCHEDULE "C"
Village of Ashcroft
Ashcroft Volunteer Fire Department**

Burning Permit – Interface Fuel Reduction

Property Owner (Please Print) _____

Civic Address: _____

Mailing Address: _____

Telephone Number: Home: _____ Work: _____

Dates (7 day window) from: _____ To: _____

Location: (please attach map or sketch of property highlight area to be burned)

Address: _____

Purpose: _____

Ignition method: _____

Method to control height of flames:

Resources to limit/prevent escape of fire: _____

Is there a fuel break in place? _____

How will adjacent property owners be notified? _____

Please see reverse for Conditions and Applicants Signature

Fire Chief's conditions/comments: _____

Corporate Officer or designate

Date

Fee: \$10.00 Payable to the Village of Ashcroft

Fee Paid: Receipt # _____

**VILLAGE OF ASHCROFT
BYLAW NO.
SCHEDULE "C"**

1. The Interface Fuel Reduction Burning Permit may be issued only by the Corporate Officer or her designate, after consultation with the Fire Chief, and is subject to immediate cancellation as weather, humidity or other conditions change.
2. Interface burning is only permitted on private property. No Village property may be used other than by the Village of Ashcroft or its agent(s).
3. Interface burning is to be carried out by the property owner, tenant or an agent acting on behalf of the property owner. The owner accepts all responsibility for any liability as a result of the fire.
4. Any person who causes or through inadvertence, allows a fire to get beyond control and requires the assistance of the Ashcroft Volunteer Fire Department personnel shall be liable to a charge at cost for such assistance as specified in Schedule "A" of Bylaw No. ____.
5. A competent person shall be in control of the fire until extinguishment.
6. Adequate appliances, equipment and personnel shall be provided by the permit holder so as to prevent the fire from getting beyond control.
7. Fires are to be extinguished or not started when wind and weather conditions are such that the fire becomes a hazard or creates a nuisance to surrounding properties.
8. Neighbors of adjoining properties are to be notified by the permit holder as to the times of the burn.
9. Conditions of fire:
 - a) Fire to be kept of a minimum of _____ meters from any house, structure or property line.
 - b) The Provincial Government Venting Index must be adhered to.
 - c) No material is to be piled unless permission is granted in writing by the Fire Chief or designate.
 - d) Thorough knowledge of prescribed burning practices must be demonstrated by the applicant
 - e) Daylight hours only.
10. It is the applicant's responsibility to ensure "Optimum burning conditions" are present and likely to continue prior to starting any burns and extinguished immediately upon any indications that conditions are deteriorating.

I have read and fully understand the provisions of this permit and agree to all conditions.

Signature of Applicant: _____

Date: _____

This permit can be revoked at any time with or without cause by the Village of Ashcroft Corporate Officer, Fire Chief or Designate.