

THE CORPORATION OF THE VILLAGE OF ASHCROFT

BYLAW NO. 811

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. 811, 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No. 651, cited as "Village of Ashcroft Fire Regulation Bylaw No. 651, 1999", and all amendments thereto, are hereby repealed.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 5(a)(i) and 5(a)(ii) 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, prior to the proposed 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	10 th	DAY OF	April	, 2017
REA A SECOND TIME THIS	10 th	DAY OF	April	, 2017
READ A THIRD TIME THIS	10 th	DAY OF	April	, 2017
RECONSIDERED AND ADOPTED THIS	24 th	DAY OF	April	, 2017

John C. (Jack) Jeyes, Mayor

J. Michelle Allen, Chief Administrative Officer

Certified to be a true and correct copy
of Bylaw No. 811 as adopted by Council.

J. Michelle Allen, Chief Administrative Officer

JMA/kdw