

TOWN OF GIBSONS



RESIDENTIAL BACKYARD BURNING BYLAW 971

Adopted: September 16th, 2003

Consolidated for convenience November 16, 2005

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Administration for the Town of Gibsons. Persons interested in the definitive wording of this bylaw and its amendments should view the original sealed bylaws at the Town of Gibsons.

AMENDMENTS IN THIS CONSOLIDATION

NO.	BYLAW NO.	DATE	AMENDMENT
1.	1024	November 15, 2005	<ul style="list-style-type: none">• Section 8 – Scope and Penalties – is replaced in its entirety.• Schedule “C” – Offences and Fines – is added.

TOWN OF GIBSONS

BYLAW NO. 971

A BYLAW TO CONTROL RESIDENTIAL BACKYARD BURNING

The Municipal Council of the Town of Gibsons enacts the following:

TITLE

This Bylaw may be cited as the “Residential Backyard Burning Bylaw No. 971, 2003”

A Bylaw of the Town of Gibsons.

1. INTERPRETATION

1.1 In this Bylaw

(a) Animal Organic Waste

“Animal Organic Waste” means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers;

(b) Approval

“Approval” means acceptance as satisfactory to the Fire Chief or an officer of the Fire Department of the Town of Gibsons;

(c) Construction Waste

“Construction Waste” means waste materials resulting from the construction, alteration, renovation or demolition of any building, structure or improvement to land and without limiting the generality of the foregoing includes paper, plastic, drywall and wood materials such as dimensional lumber, plywood and particle board;

(d) Council

“Council” means the Municipal Council of the Town of Gibsons;

(e) Debris

“Debris” means disturbed or undisturbed vegetative matter targeted for management or disposal by open burning;

(f) Domestic Incinerator

“Domestic Incinerator” means any metal or masonry container equipped with a tight-fitting wire screen lid of a mesh not greater than 1 centimetre (or 3/8”) to restrict any sparks or flying debris. Burning garden refuse in a domestic incinerator is classed as open burning defined under (n);

(g) Domestic Waste Materials

“Domestic Waste Materials” means household material and food waste but does not include newspaper and cardboard;

(h) Fire Chief

“Fire Chief” means the person appointed by the Council of the Town of Gibsons to be in charge of the Fire Department and the firefighting personnel or firefighters of the Town of Gibsons, and includes the duly appointed Deputy;

(i) Firefighter

“Firefighter” means a member of the Gibsons and District Volunteer Fire Department;

(j) Garden Refuse

“Garden Refuse” means leaves, foliage, prunings, weeds, or crops for domestic purposes;

(k) Garbage

“Garbage” means all household and commercial waste or refuse, whether it contains the remains of edible food or not;

(l) Incinerator

“Incinerator” means a combustion device specifically designed for controlled high temperature burning of waste materials and equipped with a stack or chimney for discharge of contaminants (smoke) to the atmosphere.

An incinerator does not include a “domestic incinerator” as defined in (f) above;

(m) Noxious Material

“Noxious Material” includes tires, plastics, rubber products, domestic waste materials, garbage, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum products;

(n) Open Burning

“Open Burning” means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere. Open burning includes burning of garden refuse in a domestic incinerator operated outdoors, but it does not include portable appliances, for the purpose of cooking food, or ceremonial fires;

(o) Order

“Order” means any order, decision, requirement or direction given by the Fire Chief or his/her designate;

(p) Permit

“Permit” means a document issued pursuant to the provisions of this Bylaw authorizing a person to undertake backyard burning under the conditions specified in the document;

(q) Town

“Town” means the Municipal Council of the Town of Gibsons;

(r) Smoke

“Smoke” means the gases, particulate matter and products of combustion emitted into the atmosphere from burning; and

(s) Ventilation Index

“Ventilation Index” means the Environment Canada forecast Ventilation Index which provides regional information on airflow venting.

2. OPEN BURNING (FOR OPEN FIRES)

2.1 In this section, “open burning” refers to burning of dry, combustible, garden refuse as defined in Section 1.

- 2.2 Open burning is prohibited during times specified by the Fire Chief as burning ban periods.
- 2.3 No person shall light, ignite, start, or burn any fire for the purpose of open burning, without first having obtained a permit to do so from the Fire Chief. The Fire Chief may issue permits for open burning of garden refuse only on condition that:
- (a) the garden refuse to be burned is thoroughly dried and fed to the fire in such a way that rapid ignition and burning occurs;
 - (b) the fire is for the purpose of burning garden refuse that is produced on the property where burning is taking place;
 - (c) the fire is burning during the time period between 10:00 A.M. and 4:00 P.M. of the same day;
 - (d) the fire is on designated days during the period April 1st to May 31st, and October 1st to November 30th, on other days or periods in spring and fall of each year designated by the Fire Chief for open burning;
 - (e) the fire on a person's property must not be more than 1 metre across and not exceed 1 metre in height and must be at least 7.5 meters from all buildings and combustible materials and 1.5 meters from any grass or shrubs;
 - (f) for the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire must be continuously supervised and controlled by a person who is at least 16 years old;
 - (g) the person supervising the fire has emergency equipment and an adequate supply of water that is readily available and is sufficient to completely extinguish the fire in five minutes at any stage for the purposes in paragraph (f);
 - (h) the person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance;
 - (i) the location of the fire is within forty (40) metres of a point accessible to Fire Department vehicles;
 - (j) the holder of the permit complies with any other conditions, restrictions and provisions specified by the Fire Chief is issuing the permit;

(k) unless otherwise directed by the Fire Chief, open burning must not be initiated unless the Ventilation Index is forecast as “good” for the period during which the burning is to take place.

2.4 All open burning is prohibited.

2.5 The Fire Chief or his/her designate may withhold a permit or cancel any permit issued where, in his/her opinion, the igniting of a fire may create a hazard or nuisance to persons or property, and the Fire Chief or his/her designate may extinguish or order the extinguishing of any fire that is causing a nuisance to persons, or any fire started without a permit.

2.6 Every person who starts or maintains or permits or supervises a fire shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

3. PROHIBITED WASTE

3.1 No person shall dispose of animal organic waste, construction waste, domestic waste materials, garbage or noxious material by open burning.

4. INSPECTION AND ORDERS

4.1 The Fire Chief or any person under his/her authority may:

(a) enter at all reasonable times on 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 being observed;

(b) make orders directing the owners or occupiers of property to bring a fire into compliance with this Bylaw;

(c) call on the Ministry of Water, Land and Air Protection’s Conservation Officers if a person is burning waste in contravention of the *Waste Management Act*; and,

(d) order any person to extinguish a fire that person has ignited or is maintaining.

4.2 No person shall obstruct or prevent the Fire Chief or person acting under the Fire Chief’s authority from conducting an inspection under this Bylaw.

5. ISSUANCE OF BURNING PERMITS

- 5.1 A written burning permit shall be in the form set out in Schedule A attached hereto, or to like effect, and shall be valid during the specified burning period designated under Section 2.3 (d) of this bylaw. A person shall apply for separate permit for each burning period.
- 5.2 A valid written burning permit shall be available for inspection at the burn site while open burning is in progress.

6. COST RECOVERY

- 6.1 Every person of a dwelling who starts or allows to be started any outdoor fire or open burning is responsible for such fire. If, in the opinion of the Fire Chief, the fire presents a hazard, has escaped or threatens to escape from the owner's control or is prohibited under the terms of this Bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the Town to control or extinguish the fire.
- 6.2 The costs and expenses incurred by the Fire Department to extinguish or control a fire may be recovered from the owner together with any administration costs in like manner as municipal taxes.

7. LIABILITIES FOR DAMAGES

This Bylaw shall not be construed to hold the Town of Gibsons 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) a permit issued as herein provided

8. SCOPE AND PENALTIES

- 8.1 Every person who contravenes any provision of this Bylaw is guilty of an offence under the *Offence Act* and is liable on summary conviction to a fine of not less than \$100.00 and not more than \$10,000 or imprisonment of not more than six months.
- 8.2 This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.

- 8.3 Pursuant to Section 264(1)(b) of the *Community Charter*, Fire Chief, Fire Prevention Officer, and Bylaw Enforcement Officers are designated to enforce this bylaw.
- 8.4 Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expression in Column 2 of Schedule “C” to this bylaw designate the offence committed under the bylaw section number appearing in Column 1 opposite the respective words or expression.
- 8.5 Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 or 4 of Schedule “C” to this bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.
- 8.6 Each day that a contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.
- 8.7 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.

9. EXEMPTIONS:

The following are exempted from applying for a permit to burn under the provisions of this bylaw:

- (a) employees of the Town of Gibsons who, during the course of his/her employment, burns garden refuse or debris on Town property; and,
- (b) firefighters who light fires for the purpose of training.

10. EFFECTIVE TIME

- 10.1 Section 2.4 comes into force and Sections 2.2, 2.3, 2.5 and 2.6 are repealed on January 1, 2006.

READ a First time this the 17th day of June 2003

READ an Amended First time this the 22nd day of July 2003

READ a Second time this the 22nd day of July 2003

READ a Third time as Amended this the 2nd day of September 2003

RECONSIDERED AND FINALLY ADOPTED this the 16th day of September 2003

"Barry J. Janyk"
Barry J. Janyk – Mayor

"Wendy Gilbertson"
Acting Municipal Clerk

SCHEDULE "A"

TO BYLAW NO. 971, 2003

CLASS 'B' BURNING PERMIT

DESCRIPTION: A PERMIT TO ALLOW FOR THE BURNING OF GARDEN REFUSE (I.E. GRASS CLIPPINGS, TREE PRUNINGS, LEAVES AND LIKE MATERIAL) IN THE OPEN AIR IN ACCORDANCE WITH TOWN OF GIBSONS BYLAW NO. 971, 2003

AUTHORITY IS HEREBY GRANTED TO (PERMITTEE):		EFFECTIVE PERIOD FOR THIS PERMIT		
		Y	M	D
PERMITTEE'S REPRESENTATIVE NAME:	TITLE:	FROM:		
		TO:		
ADDRESS:		PHONE NO.;		
POSTAL CODE		FAX NO.:		
TO SET FIRE ON THE FOLLOWING DESCRIBED LANDS:				

DEFINITIONS/CONDITIONS – SEE REVERSE

SPECIAL CONDITIONS:

SIGNATURE OF PERMITTEE'S REPRESENTATIVE (INDICATING HE/SHE HAS READ AND UNDERSTANDS THE CONDITIONS OF THIS PERMIT)				
SIGNATURE OF PERSON ISSUING THE PERMIT:	POSITION/TITLE	DATE SIGNED		
		Y	M	D

DEFINITIONS

Animal Organic Waste – “Animal Organic Waste” means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers.

Construction Waste - “Construction Waste” means waste materials resulting from the construction, alteration, renovation or demolition of any buildings, structures or improvement to land and without limiting the generality of the foregoing includes paper, plastic, drywall and wood materials such as dimensional lumber, plywood and particle board.

Domestic Waste Materials – “Domestic Waste Materials” means household material and food waste, but does not include newspaper and cardboard.

Garden Refuse – “Garden Refuse” means leaves, foliage, prunings, weeds, or crops for domestic purposes.

Garbage – “Garbage” means all household and commercial waste or refuse, whether it contains the remains of edible food or not.

Noxious Material – “Noxious Material” includes tires, plastics, rubber products, domestic waste materials, garbage, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum products.

CONDITIONS – Backyard Burning Bylaw No. 971 provides that:

- 2.3 No person shall light, ignite, start, or burn any fire for the purpose of open burning, without first having obtained a permit to do so from the Fire Chief. The Fire Chief may issue permits for open burning of garden refuse only on condition that:
- (a) the garden refuse to be burned is thoroughly dried and fed to the fire in such a way that rapid ignition and burning occurs;
 - (b) the fire is for the purpose of burning garden refuse that is produced on the property where burning is taking place;
 - (c) the fire is burning during the time period between 10:00 A.M. and 4:00 P.M. of the same day;
 - (d) the fire is on designated days during the period April 1st to May 31st, and October 1st to November 30th, on other periods in spring and fall of each year designated by the Fire Chief for open burning;
 - (e) the fire on a person's property must not be more than 1 meter across and not exceed 1 metre in height and must be at least 7.5 metres from all buildings and combustible materials and 1.5 metres from any grass or shrub;
 - (f) for the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire must be continuously supervised and controlled by a person who is at least 16 years old;
 - (g) the person supervising the fire has emergency equipment and adequate supply of water that is readily available and is sufficient to completely extinguish the fire in five minutes at any stage for the purposes in paragraph (f);
 - (h) the person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance; and
 - (i) The location of the fire is within forty (40) metres of a point accessible to Fire Department vehicles;
 - (j) The holder of the permit complies with any other conditions, restrictions and provisions specified by the Fire Chief in issuing the permit;
 - (k) Unless otherwise directed by the Fire Chief, open burning must not be initiated unless the Ventilation Index is forecast as “good” for the period during which the burning is to take place.

Section 2.6 states: Every person who starts or maintains or permits or supervises a fire shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

Section 3 states: No person shall dispose of animal organic waste, construction waste, domestic waste materials, garbage or noxious material by open burning.

Section 5.2: A valid written burning permit shall be available for inspection at the burn site while open burning is in progress.

Section 6.1 States: Every person of a dwelling who starts or allows to be started any outdoor fire or open burning is responsible for such fire. If, in the opinion of the Fire Chief, the fire presents a hazard, has escaped or threatens to escape from the owner's control or is prohibited under the terms of this Bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the Town to control or extinguish the fire.

_____ INITIAL BY APPLICANT

TOWN OF GIBSONS

Residential Backyard Burning Bylaw

**SCHEDULE "B"
TO BYLAW NO. 971, 2003**

FEES

PERMIT FEES

	FEE
For each permit issued	\$25.00

**SCHEDULE “C”
TO TOWN OF GIBSONS
RESIDENTIAL BACKYARD BURNING BYLAW NO. 971, 2003**

OFFENCES AND FINES

Section	Designated Expression	First Fine	Second Fine and Each Successive
2.3.a	Burning non dry materials	\$50	\$50
2.3.a	Feeding the fire too rapidly as to inhibit proper ignition and burning	\$50	\$50
2.3.b	Burning materials from other properties	\$100	\$100
2.3.c	Burning outside permitted times	\$50	\$100
2.3.d	Burning outside permitted dates	\$100	\$100
2.3.e	Fire exceeds size limit	\$100	\$100
2.3.e	Fire located too close to building, combustible material, grass or shrubs	\$100	\$100
2.3.f	No one 16 years old or older in attendance of the fire	\$100	\$200
2.3.g	Not adequate emergency equipment to extinguish the fire	\$100	\$100
2.3.h	Not taking reasonable precautions to prevent smoke from being generated	\$100	\$ 50
2.3.i	Fire more than 40 metres from a point accessible to emergency vehicles	\$100	\$100
2.3.j	Failure to comply with Fire Chief’s additional conditions, restrictions or provisions	\$100	\$200
2.3.k	Burning when Ventilation Index is not “good”	\$100	\$200
2.6	Failure to extinguish a fire completely	\$100	\$100
3.1	Burning prohibited waste	\$250	\$300
5.1	Burning without a valid permit	\$50	\$100
5.2	Failure to produce valid permit on site	\$25	\$25