
A bylaw to establish regulations for open burning and outdoor fires

WHEREAS the Village of Harrison Hot Springs has deemed it advisable to establish a bylaw to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in the *Community Charter*;

AND WHEREAS the *Community Charter* provides that the authority of a council, may be exercised in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the Village of Harrison Hot Springs "Open Burning and Outdoor Fire Regulation Bylaw No. 1110, 2017".

2. DEFINITIONS

In this Bylaw:

"Bylaw Enforcement Officer" means the person appointed from time to time by Council for the purpose of administering the provisions of the bylaw;

"Barbeque" means a cooking apparatus designed to cook food using wood, charcoal briquettes, liquid fuel or gaseous fuel;

"Campground" means land provided for the seasonal or temporary accommodation of the traveling public using tents or recreational vehicles, but excludes a mobile home park;

"Campfire" means an open fire that burns piled material no larger than 0.5 m in height and 0.5 m in width and is used by any person for recreational purpose, or by a First Nation for a ceremonial purpose;

"Camping Space" means a site in a campground used by a trailer, recreational vehicle or tent;

"Communal Campfire" means a campfire that would be used by a campground for their patrons and located in a central area away from external roadways of the campground;

“Construction Waste” means any material resulting from or produced by construction renovation or repair of a building or structure and includes wood products;

“Corporate Officer” means the Corporate Officer of the Village;

“Fire Chief” means the person in charge of the Fire Department as appointed by the Village of Harrison Hot Springs;

“Fire Department” means the Village of Harrison Hot Springs Fire Department;

“Fire Department Officer” means the Fire Chief, Deputy Fire Chief, Captain, or other officer of the Fire Department;

“Fireworks” means means any article containing a combustible or explosive composition or any substance or combination of substances prepared for, capable of, or discharged for the purpose of producing a pyrotechnical display which may or may not be preceded by, accompanied with, or followed by an explosion, or an explosion without any pyrotechnical display, and includes (but is not limited to) roman candles, skyrockets, pinwheels, batteries, barrages, bottle rockets, cannon crackers, mines, squibs, torpedoes, and firecrackers;

“Operator” means the operator, manager, owner or other person responsible for the management and operation of a Campground;

“Recreational Vehicle” means a trailer, camper, motorhome, either self-propelled, towed or carried, designed for the express use of camping and travel;

“Rubbish” means garbage, debris or waste produced or resulting from human activity;

“Sky Lantern” means a small hot air balloon made of paper with an opening at the bottom where a small fire is suspended;

“Smoking” means the process of flavouring, browning, cooking or preserving food by exposing it to smoke from burning or smoldering material;

“Tiki Torch” means a bamboo, wooden or metal pole with a container of flammable fluid at the top containing a wick;

“Village” means the Village of Harrison Hot Springs

3. SCOPE

3.1 No person shall:

3.1.1 set out, start, or kindle an outdoor fire or permit open burning of wood, wood pellets, rubbish, garden refuse, tires, oil, asphalt shingles, battery boxes, plastic material, synthetic material or construction waste of any kind;

3.1.2 light or burn a Tiki Torch;

3.1.3 use or fly a Sky Lantern;

3.1.4 use fireworks;

3.1.5 use of barbeque, hibachi or any other form of cooking apparatus that uses wood and charcoal briquettes;

at any time, on any beach or foreshore of Harrison Lake, Harrison River or Miami River or its tributaries, or in any zone within the Village of Harrison Hot Springs, unless otherwise exempted under provisions in the Bylaw or any other bylaw within the municipality.

4. EXEMPTIONS

This Bylaw does not apply to:

4.1 Any fire set outdoors and/or outside of a building for the purpose of Fire Department "Live Fire" training exercises;

4.2 Any fire set outdoors under the control of the Village public works department;

4.3 A campground operator that has applied for and been approved for a Communal Campfire permit for the purposes of a Communal Campfire, subject to the provisions under section 5. Communal Campfires;

4.4 The normal use of Tiki Torches on private property that are CSA rated or ULC rated approved;

4.5 The normal use of liquid fuel or gaseous fueled or electric grills and barbeques for the purpose of cooking food;

4.6 The normal use of hibachis and charcoal barbeques on private property for the purpose of cooking food;

- 4.7 The normal use of a CSA rated or ULC rated approved electric or wood pellet smoker on private property to process, flavor, brown, cook or preserve food;
- 4.8 The normal use of a CSA rated or ULC rated approved liquid fuel or gaseous fueled outdoor fireplace, heater or fire pit not exceeding a flame height of 15 cm tall (up to a maximum 20 lb (9.07 kg) propane tank) on private property; and
- 4.9 An applicant that has applied for and been approved for a Display Permit to ignite, explode, set off or detonate fireworks.

5. COMMUNAL CAMPFIRES

- 5.1 A campground operator must not permit or allow a campfire to be set without first obtaining a valid campfire permit for each Communal Campfire on their lands;
- 5.2 An operator must make application for a Campfire Permit in the prescribed form as amended from time to time, and pay a fee as specified in the Miscellaneous Fee Schedule Bylaw;
- 5.3 Campfire Permit applications are subject to an inspection of the proposed fire pit, materials to extinguish fires and proof that a fuel break has been established around the perimeter of the campfire location by the Fire Department prior to issuance of a Permit;
- 5.4 All Campfire Permits issued will terminate on the 31st day of December in each calendar year, regardless of when the permit was issued;
- 5.5 Communal Campfires may be set and kindled using only dry seasoned wood, or a wood product designed for campfires that burn with little smoke or residue;
- 5.6 Communal Campfires shall only be set between the hours of 5:00 p.m. to 10:00 p.m. All campfires shall be completely extinguished and smokeless by 10:30 p.m.;
- 5.7 Each Communal Campfire shall be set no larger than 0.5 metres high and must be contained within a fire ring no larger than 0.5 metres in diameter and without overhead obstructions, foliage, trees or combustible material;
- 5.8 No Communal Campfire shall be set within 10 metres of any building or adjoining property line;
- 5.9 The Communal Campfire shall be located so as to ensure that smoke from the campfire does not become a nuisance to neighbouring properties;

- 5.10 No Communal Campfire shall be permitted within 20 metres of any municipal road in the Village;
- 5.11 No person shall permit any Communal Campfire to be set during high wind conditions, or when wind falls below 8 km/hr, or if there is an air inversion;
- 5.12 No person shall allow any fire that they have set out, started or kindled to spread to where it could cause damage to property;
- 5.13 No Communal Campfires shall be left unattended at any time; and
- 5.14 No operator shall leave the site of a Communal Campfire before extinguishing it completely.

6. GENERAL PROVISIONS

- 6.1 Where, in the opinion of the Fire Chief or any Fire Department Officer, hazardous fire conditions, poor air quality, high wind conditions or an air inversion exist, may prohibit any fires described in Section 4 or 5 for such a time as is specified in the order.
- 6.2 A Communal Campfire Permit may be suspended or revoked upon any violation of this Bylaw or any violation of the terms of a Communal Campfire Permit and may be suspended upon issuance of a Provincial Wildfire Service Fire Prohibition, Area Restriction or Fire Prohibition by Order of the Fire Chief.
- 6.3 Any person who causes a fire, or through inadvertence, allows a fire to get beyond control and so necessitates the assistance of the Village Fire Department personnel and/or equipment, shall be liable to penalties under the Bylaw Notice Enforcement Bylaw.

7. ISSUANCE OF ORDER

- 7.1 If the Fire Chief and/or a Local Assistant to the Fire Commissioner, or their designates find that any provision of this bylaw has been contravened or has not been complied with, or has been complied with improperly or only in part, or that conditions exist in or upon a building or property to which the bylaw applies and which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he may make such order(s) to ensure full and proper compliance with this bylaw and pursuant to the any provincial regulation as amended from time to time, and in particular, but without limiting the generality of the foregoing, may:

- a) make to the owner, occupier or lessee of the building or property such recommendations as deemed necessary to correct the contravention or to ensure compliance with this bylaw or to remove the hazards referred to in the bylaw or,
- b) make such orders as deemed necessary with respect to any of the matters referred to in this bylaw.

7.2 An order made under this bylaw shall be in writing and shall be directed to either the owner, occupier or lessee of the building or property in respect of which the order is made or to both.

8. SERVICE ORDER

8.1 An order made under this bylaw shall be served by:

- a) delivering it or causing it to be delivered to the person to whom it is directed, or
- b) sending the order by return registered mail to the last known property owner.

9. ENFORCEMENT

- 9.1 The Bylaw Enforcement Officer, the Fire Chief or any Fire Department Officer may enter upon any property or premises at all times for the purpose of administering, or enforcing this Bylaw including without limitation, for the purpose of ascertaining whether the regulations and provisions of this Bylaw are being, or have been complied with, and whether the terms of any permit issued under this Bylaw are being, or have been complied with.
- 9.2 The Bylaw Enforcement Officer is hereby authorized and empowered to issue Bylaw Offence Notices to every person who violates any of the provisions of this bylaw.
- 9.3 The Fire Chief or any Fire Department Officer is hereby authorized and empowered to issue orders in writing requiring the correction or cessation of any activity that is being conducted contrary to the provisions of this Bylaw, and to deal with any matter in the manner not repugnant to any provision of the *Fire Safety Act*.
- 9.4 No person shall obstruct or interfere with the Bylaw Enforcement Officer, the Fire Chief or any Fire Department Officer while they are lawfully engaged in or in the discharge of their duties under this Bylaw.

10. PENALTIES

10.1 Every person who violates any of the provisions of this bylaw or suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or who refrains from doing anything required by the bylaw shall be deemed to be guilty of an infraction thereof and liable to the penalties imposed under the Bylaw Notice Enforcement Bylaw.

11. SEVERABILITY

11.1 If any section, subsection, sentence, clause, or phrase in this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Bylaw.

12. REPEAL

12.1 The "Outdoor Campfire Regulation Bylaw No. 916, 2009" is hereby repealed.


READINGS AND ADOPTION

READ A FIRST TIME THIS 18th DAY OF SEPTEMBER, 2017


READ A SECOND TIME THIS 18th DAY OF SEPTEMBER, 2017

READ A THIRD TIME THIS 18th DAY OF SEPTEMBER, 2017

ADOPTED THIS 2nd DAY OF OCTOBER, 2017



Mayor



Corporate Officer