

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 689

A bylaw for regulating the lighting of fires in the Black Creek/Oyster Bay, the Greater Merville and the Mount Washington Resort Community Fire Protection Service areas

WHEREAS the board adopted Bylaw No. 1964 being “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997” on April 27, 1998 to establish a service for the purpose of providing fire protection to the Black Creek/Oyster Bay service area;

AND WHEREAS the board adopted Bylaw No. 484 being “Merville Fire Protection Service Establishment Bylaw No. 484, 2017” adopted on August 29, 2017 to establish a service for the purpose of providing fire protection to the community of Merville and a portion of Area B;

AND WHEREAS the board adopted Bylaw No. 433 being “Mount Washington Resort Community Fire Protection Service Establishment Bylaw No. 433, 2016” adopted on September 20, 2016 to provide fire protection to the Mount Washington resort community;

AND WHEREAS the regional district board may, by bylaw, regulate the activities under the service, including establishing regulations for the lighting of fires in the Black Creek/Oyster Bay, the Greater Merville and the Mount Washington resort community fire protection service areas;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Definitions

1. For the purposes of this bylaw, unless the context otherwise requires:
 - (a) “beach fire” means an outdoor fire located on all land below the natural boundary of a body of water;
 - (b) “camp fire” means an outdoor fire started and maintained for warmth, cooking, or ceremonial purposes only.
 - (c) “extraordinary fire” means an emergency response call that, in the opinion of the fire chief, acting reasonably, requires any of the use of:
 - foam or fire retardant gels in excess of 200 litres
 - fire crew and fire truck for longer than 12 hours
 - specialized machinery
 - mutual aid resources for longer than 6 hours
 - (d) “extraordinary fire costs” means costs, over and above those costs associated with an emergency response that is not an extraordinary fire;
 - (e) “fire chief” means the fire chief of the Oyster River Fire Rescue or their designate in the absence of the fire chief;
 - (f) “fire department” means the Oyster Rive Fire Rescue;
 - (g) “high risk activity” means mechanical brushing; disk trenching; preparation or use of explosives; using fire- or spark-producing tools, including cutting tools; using or preparing fireworks or pyrotechnics; grinding, including rail grinding; mechanical

land clearing; clearing and maintaining rights of way, including grass mowing; any of the following activities carried out in a cutblock excluding a road, landing, roadside work area or log sort area in the cutblock;

- i. operating a power saw;
 - ii. mechanical tree felling, woody debris piling or tree processing, including de-limbing;
 - iii. welding;
 - iv. portable wood chipping, milling, processing or manufacturing;
 - v. skidding logs or log forwarding unless it is improbable that the skidding or forwarding will result in the equipment contacting rock;
 - vi. yarding logs using cable systems;
- (h) “natural boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.
- (i) “noxious material” means any material which, when burned, produces harmful and polluting exhaust fumes into the air and/or leaves residues which are harmful and polluting, including but not limited to gasoline, oil, kerosene, rubber, tires, oil, tar, asphalt shingles, battery boxes, plastic material, polypropylene, polystyrene, electric wires, plastic pipe, adhesives, hydro carbons or any similar noxious material which may be toxic and which may or may not produce heavy black smoke or create a noxious odor.
- (j) “outdoor fire” means a fire in the open air where the products of combustion are not conveyed and disposed of by means of a chimney constructed and maintained in accordance with the B.C. Building Code and the B.C. Fire Code and excludes beach fires and camp fires.
- (k) “yard waste” means organic yard waste materials such as garden refuse and prunings.

General conditions

2. (1) This bylaw applies to outdoor fires, beach fires and camp fires on all privately-owned and publicly-owned properties located in the Black Creek/Oyster Bay, the Greater Merville and the Mount Washington resort community fire protection service areas.
- (2) In the event of a conflict between a provision of this bylaw and a provision of the *National Fire Code of Canada*, or the *Wildfire Act and Regulation* (British Columbia), the provisions of the *National Fire Code of Canada*, or the *Wildfire Act and Regulation* (British Columbia) shall prevail.
- (3) Except as permitted by this bylaw, no person shall start or maintain an outdoor fire, a beach fire or camp fire.
- (4) (a) If the fire chief is of the opinion that conditions are not safe for an outdoor fire, beach fire or camp fire, owing to drought, lack of precipitation, accumulation of flammable materials, wind conditions or any other reason and the Provincial and Federal Governments have not issued a fire ban, the fire chief may enact a fire ban.

- (b) Where, in the opinion of the fire chief, adverse atmospheric conditions do not permit, or are not conducive to, the ready dissipation of smoke, the fire chief may impose a general ban on all outdoor fires, beach fires or camp fires for the duration of the said adverse conditions.
- (c) Following the enactment of a closure pursuant to sections 2(4)(a) and 2(4)(b) of this bylaw, the fire chief will post a notice advising that outdoor fires, beach fires, camp fires and the burning of yard waste are not allowed and no person shall start or maintain an outdoor fire, a beach fire, a camp fire or burn yard waste until the notice is removed by the fire chief.
 - i. The fire chief will post copies of the notice in at least two locations where it is reasonable to expect that they will be visible to members of the public, which may include the fire department’s website or other social media.
- (5) No person shall burn any household garbage, animal organic waste, or noxious material.
- (6) Outdoor fires, beach fires and camp fires shall from the time they are ignited until they are completely extinguished be kept under control at all times and supervised by a person at least 16 years old.
- (7) No person shall obstruct or prevent the fire chief from carrying out inspections or enforcing the regulations of this bylaw.

Outdoor fires – permits

- 3. (1) No person shall light, ignite, or maintain an outdoor fire or cause or permit an outdoor fire to be lit, ignited or maintained in the open air without first completing the application form and obtaining a fire permit from the fire chief.
- (2) The burning of woody debris outdoors is only permitted when the forecast Province of British Columbia Ventilation Index is sufficient to disperse smoke within the service area.
- (3) The fire chief may issue permits for outdoor fires and may attach to a permit whatever conditions in their opinion are advisable.
- (4) The fire chief may withhold any permit or cancel any permit issued where in their opinion, the igniting of an outdoor fire may create a hazard to persons or property.
- (5) A permit shall be in writing and is valid only for the purpose stated in the permit and for the time set out in the permit.
- (6) A permit is not required for the burning of yard waste in a serviceable metal or masonry container fitted with a metal screen or grill of less than 9.5 mm (3/8 inch) mesh to restrict sparks or flying debris during the hours of sunrise to sunset unless a notice that permits will be required for all or any such outdoor fires during the period specified in the notice.
- (7) Unless a notice is published that permits will be required during the period specified in the notice, no person is required to obtain a permit for the occasional burning of yard waste material from sunrise to sunset on any day from November 1st in any year to March 31st of the following year, provided that the diameter of the pile does not exceed 2 meters.
- (8) Burning of wooden construction material or household garbage is not permitted.
- (9) Burning of stumps and land-clearing debris must be conducted in accordance with the *Environmental Management Act* “Open Burning Smoke Control Regulation”.

Beach fires

4. (1) Beach fires shall only be ignited with seasoned wood and used for warmth, cooking, or ceremonial purposes.
- (2) Beach fires will be permitted only below the natural boundary and must be a minimum of three meters from driftwood, slash, grass or other combustible material.
- (3) Beach fires shall be no larger than 50 cm in diameter.
- (4) A person who ignites a beach fire shall ensure that an effective means of extinguishing the fire is available immediately adjacent to the fire at all times while the fire is maintained.
- (5) A beach fire must be completely extinguished with water and not by covering the fire with sand or other material.

Camp fires

5. (1) Camp fires shall only be ignited with seasoned wood and used for warmth, cooking, or ceremonial purposes.
- (2) No person shall ignite or maintain a camp fire within three meters of trees, stumps, logs, wooden structures or any other combustible material.
- (3) No person shall ignite or maintain a camp fire greater than 50 cm in diameter.
- (4) All flammable material shall be removed down to mineral soil for not less than one meter in all directions from the perimeter of the fire.
- (5) A person who ignites a camp fire shall ensure that an effective means of extinguishing the fire is available immediately adjacent to the fire at all times while the fire is maintained.
- (6) A camp fire must be completely extinguished with water and not by covering the fire with sand or other material

High risk activities

6. If at any time the fire chief deems it advisable, the fire chief may order one or more high risk activities to be prohibited for a specified period of time.

Cost recovery fees and charges for extraordinary fires and scene security costs

7. (1) The owner of property on which an extraordinary fire occurs or on which scene security costs are incurred shall be liable for a charge for extraordinary fire costs and/or scene security costs in accordance with the rates set out in Schedule A, as amended or replaced from time to time.
- (2) The regional district may recover all costs and expenses it incurred incidentally to the taking of any measures pursuant to an extraordinary fire jointly and severally from any person who at the time had the charge, management or control of the building or property that is the subject of the charge, which costs and expenses are set out in Schedule A attached to and forming part of this bylaw. If that person fails to pay those costs and expenses within 6 months after they were incurred, the regional district may recover those costs and expenses from the owner of the building or property by direct invoice, together with costs and interest at a rate set out in the *Taxation (Rural Area) Act*. Default on those costs, expenses and interest will result in their being added to the property taxes of the owner of the building or property.

Penalties

8. Every person who:
- (a) contravenes or violates any provision of this bylaw or any permit or order issued under this bylaw;
 - (b) causes, suffers or permits any act or thing to be done in contravention or in violation of any provision of this bylaw or any permit or order issued under this bylaw; or
 - (c) neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or any permit or order issued under this bylaw;
- commits an offence and shall be liable, on summary conviction, to a fine not exceeding \$2,000.00 and, where the offence is a continuing one, each day that the offence continues must be considered a separate offence.

Severability

9. Should any section or provision of this bylaw be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the bylaw as a whole or any part thereof, other than the part so declared to be invalid.

Repeal

10. The following bylaws and amendments thereto are hereby repealed:
- Fire Hazard Permit Bylaw No. 41, 1996;
 - Tsolum Farnham Fire Protection Service Regulations Bylaw No. 261, 2013; and
 - Black Creek-Oyster Bay Fire Protection Service Regulation Bylaw No. 357, 2014.

Citation

This Bylaw No. 689 may be cited for all purposes as “Northern Fire Protection Service Areas Regulation Bylaw No. 689, 2022”.

Read a first and second time this	day of	2022
Read a third time this	day of	2022
Adopted this	day of	2022

Chair

Deputy Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 689, being “Northern Fire Protection Service Areas Regulation Bylaw No. 689, 2022” as adopted by the board of the Comox Valley Regional District on the day of , 2022.

Deputy Corporate Legislative Officer

SCHEDULE A

Extraordinary Fire Charge and Scene Security Costs

1. The charge for the cost of responding to an extraordinary fire shall be calculated on the basis of the following:

Hourly cost of each fire crew and fire truck (one hour minimum)	Costs are in accordance with the provincially established rental rates for fire apparatus and personnel identified in the <i>Inter-Agency Agreement (IAA)</i> as revised from time to time.
Scene security costs	Actual cost
Hourly cost of specialized machinery <ul style="list-style-type: none">• (includes heavy machinery required in combating the fire)	Actual cost
Fire retardant gel/per unit cost	Actual cost
Fire retardant foam/per unit cost	Actual cost
Mutual aid costs	Actual cost

2. Despite Section 1, if the costs of an extraordinary fire response as actually incurred by the regional district are less than the amounts calculated under section 1, the extraordinary fire charge shall be the lesser amount.