

CITY OF LANGFORD

BYLAW NO. 1532

**A BYLAW TO REGULATE BURNING, PREVENT AND SUPPRESS FIRES AND REGULATE PEOPLE AT FIRES IN
THE CITY OF LANGFORD**

The Council of the City of Langford, in open meeting assembled, enact as follows:

CITATION:

This Bylaw may be cited for all purposes as the “City of Langford Burning and Fire Regulation Bylaw No. 1532, 2014”.

DEFINITIONS:

Animal Organic Waste means solid waste material of animal origin including manure, flesh, carcasses, offal, hides, hair and feathers.

Authorized means authorized or approved by the Fire Chief of the Fire Department.

Authorized Incinerator means a metal or masonry fire container in sound condition mounted on a non-combustible base and fitted with a metal screen or grill of less than 12.5 mm (½”) mesh to restrict the escape of sparks or burning debris.

Ashes means the solid unburned residual fuel of a fire, including a fire still in progress.

AQHI means the Current and Forecasted Air Quality Health Index values as determined from time to time by the British Columbia Ministry of Environment.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Burn and **Burning** mean the presence of combustion, palpable heat, visible flame, sparks, embers or smoke and can include the act of conducting a fire.

Campfire means an open fire conducted for survival, social, ceremonial, cultural or food preparation purposes and includes fires in chimneys and in outdoor fireplaces and woodstoves.

City means the City of Langford and also means all lands within the municipal boundaries the City of Langford.

Combustible Liquid means any liquid having a flash point at or above 37.8° C and below 93.3° C.

Combustible Material means any material capable of burning.

Council means the Council of the City of Langford.

Demolition and Construction Waste means material resulting from or produced by the complete or partial construction or demolition of a structure.

Extinguished means the absence of combustion, palpable heat, visible flame, sparks, embers or smoke.

Fire Chief means the Fire Chief of the City of Langford and persons designated by the Chief to act on his or her behalf.

Fire Department includes the fire department of the City and the fire department of any other fire protection district or municipal corporation attending a fire within the City.

Fire Hazard means a condition that is conducive to combustion or may increase the likelihood, extent or severity of fire and which thereby substantially increases the risk of damage or destruction of persons or property by fire.

Fire Lane means a vehicular passageway, access, or turn-around provided specifically to facilitate fire fighting.

Fire Supervisor means a person 16 years of age or older charged with guarding or watching an open fire for fire spread.

Flammable Liquid means any liquid having a flash point below 37.8° C and having a vapour pressure of not more than 275.8 kPa (absolute) at 37.8° C.

Flash Point means the minimum temperature at which a liquid within a container gives off vapour in sufficient concentration to form an ignitable mixture with the air near the surface of the liquid.

OCP means the Official Community Plan for the City of Langford.

One Family Dwelling has the same meaning as in Part 1 of the Zoning Bylaw of the City as amended from time to time.

Open Fire means the burning of yard waste without control of airflow and/or without a stack or chimney to vent combustion emissions, and includes fires in incinerators but not campfires as defined in this bylaw.

Order means direction issued by the Fire Chief expressed in the course of his or her duties and includes but is not limited to notices, letters, signage, other written missives, and verbal direction.

Owner means a person who is the owner, occupant, agent, manager, lessee, licensee or tenant of a real property in the City.

Peace Officer means a Bylaw Enforcement Officer, Community Safety Officer and includes any person named as a Peace Officer within the *Interpretation Act*.

Person includes natural persons and associations, corporations, and co-partnerships and includes the servants, agents, employees, heirs, executors, administrators, assigns and other legal representatives of the foregoing.

Permit – Campfire – means verbal authority from the Fire Chief or his or her designate to proceed with a specified activity. Under this Bylaw, permits for campfires are issued subject to time of day, proximity to covenanted areas and any wild land interface hazard where the campfire is to occur.

Permit – Open Burn - means written authorization to proceed with a specified activity. Under this Bylaw, permits for open burning activity are issued subject to time of day, day of the year, prevailing weather conditions (AQHI) and with consideration of elements of the OCP, proximity to covenanted areas and any wild land interface hazard where the burning is to occur. Permits are only issued where properties are equal to, or greater than .5 of an acre (2023.4 square metre) in size.

Property as defined in the *Interpretation Act* of British Columbia.

Noxious Materials means materials that due to their composition may cause emissions hazardous to human health if burned, including but not limited to rubber, tires, plastic, tar, drywall, demolition and construction waste, paint, hazardous waste, animal organic waste, vegetable and food waste, biomedical waste, asphaltic products, batteries, and petroleum products.

Nuisance means interferes with quiet enjoyment, either by creating smells, sounds, pollution or anything associated with the burning activity that extends past the boundaries of the property, where an affected party has made a claim in nuisance, or where the Fire Chief or a Peace Officer has deemed a nuisance has been produced.

Smoke in the context of fires, means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned including, without limitations, smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia.

Special Permit means a written permit issued by the Fire Chief to conduct a fire otherwise than provided for in this bylaw;

Vehicle shall mean any device upon or in which a person or property is or may be transported or drawn on or upon a public highway.

Waste means animal and vegetable waste or scrap, garbage, and any or all manner of discarded or disused materials.

Yard Waste means domestic volumes of grass, tree, bush, and plant trimmings, debris, leaves, and any vegetative refuse excluding fencing, lumber, and manure.

AUTHORITIES

1. With the exception of a lawfully occupied one-family dwelling, the Fire Chief is authorized to enter upon any land and into any structure in order to execute his or her duties.
2. No person shall obstruct the Fire Chief in an entry authorized by this Bylaw.
3. No person shall in any way obstruct, disobey, or hinder a person under the direction of the Fire Chief at an emergency.
4. Every owner must comply with an order or notice issued by the Fire Chief within the time period allotted by the order or notice.
5. Except with the permission of the Fire Chief, no person may enter an area cordoned off by the Fire Department and more specifically, no person may enter a burning building.
6. The Fire Chief may, at the expense of the owner, order any action to reduce the fire hazard at any event or exhibition where people will assemble, including but not limited to assigning Fire Department members to the event or exhibition.
7. The Fire Chief may inspect to determine the fire hazard posed by any chimney, stovepipe, flue, fireplace, hearth, burner, range, oven, stove, furnace, heater, boiler, steam pipe, funnel or similar equipment.
8. The Fire Chief may require a property owner to suitably safeguard flammable and combustible liquids and combustible materials against fire by erecting, at the owners' own expense and to the satisfaction of the Fire Chief, barricades, "No Admittance", and "No Smoking" signs.

GENERAL

9. No person may ignite, conduct or maintain any fire on any land without permission of the owner of that land.
10. Burning for commercial and industrial purposes is prohibited within the City.
11. No person may burn or allow to be burned any garbage, rubbish or noxious material.
12. Unless otherwise provided for in this bylaw, no person may burn land-clearing debris or machine-piled debris within the City.
13. Every owner of an unoccupied building must ensure that it is wholly secured against entry by unauthorized persons.
14. No person shall park a vehicle in an area required by the *BC Building Code* as access for fire-fighting purposes, nor in a fire lane.
15. No person shall drive a vehicle over a fire hose without the consent of the Fire Chief.

16. No person shall place or maintain any object or matter on a sidewalk, street or boulevard which interferes with free access or approach to any fire hydrant.
17. No person shall park a motor vehicle within 5 m of a fire hydrant measured from a point in the curb or edge of the roadway that is closest to the fire hydrant.
18. No person shall smoke where prohibited by the Fire Chief.
19. No owner shall allow a chimney, stovepipe or flue to remain in any condition which in the opinion of the Fire Chief constitutes a fire hazard.
20. Every owner must keep chimneys, stovepipes, and flues not in use closed by an appropriate, non-combustible stopper.
21. Every owner must keep hoods, vents, ducts, and pipes above or leading from any range, oven, stove, or similar equipment in any building free from accumulations of grease and dirt.
22. No person may cause or allow ashes to be deposited or remain:
 - 22.1. in a combustible container;
 - 22.2. in contact with combustible materials;
 - 22.3. on the floor of a building; or
 - 22.4. in a metal container which is within 1 foot (.3 metres) of combustible material.
23. No person may smoke or possess an open flame or light not approved by a recognized testing laboratory for such use, in a building where there is combustible material accumulations or flammable or combustible liquids.
24. All persons who in the course of business use or have charge of materials subject to spontaneous ignition, such as oily rags, must construct, maintain, and utilize a waste receptacle in accordance with the requirements of the *BC Fire Code*.
25. No owner may cause or allow any property to be used to accumulate, store, or deposit paper, demolition and construction waste, or other combustible material which in the opinion of the Fire Chief constitutes a fire hazard.
26. No owner may allow any combustible material to accumulate upon the roof of a building owned by them.
27. All persons who in the course of business use or have charge of accumulated readily combustible materials must, at the close of each business day, ensure those materials are safely stored or disposed of so as to be safe from fire.

28. Persons utilizing portable tanks for storing, handling, and dispensing flammable and combustible liquids must use only tanks constructed in accordance with CSA Standard B620, "Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods."

29. When used as designed, barbecues are exempt from regulation under this bylaw.

FIRE PERMITS

30. Except as provided in this bylaw, no person may ignite, conduct or maintain any open fire, or allow or cause any open fire to be ignited, conducted, or maintained without first obtaining a valid and subsisting permit from the Fire Chief.

31. No more than one hand-piled fire per property at any time is permitted. A permit for an open fire must be in the form set out in Schedule A attached to and forming part of this Bylaw.

32. The Fire Chief may issue permits to allow open fires for the disposal of yard waste conducted on residentially-zoned property which are 2,023 square meters (.5 acre) or greater in area between the dates of February 15th to March 15th and between the dates of November 1 to November 30 of any calendar year (inclusive) and on days and at times in that period specified annually by the Fire Chief.

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33. As per section 30 above, and subject to any order from the Fire Chief, a campfire may be conducted on residentially-zoned property any day if all of the conditions set out in section 45, below, are met.

34. The Fire Chief may, upon receiving a satisfactory application, issue a Special Permit to conduct a fire otherwise than provided for in this bylaw.

35. Under a Special Permit, no person may ignite, conduct, or maintain any open fire:

35.1. unless the fire is supervised through the entire duration of the burn time;

35.2. unless all conditions or requirements named in the Special Permit are met;

35.3. unless extinguishing material or equipment such as a charged water hose is readily available;

35.4. during a period of high wind.

36. The Fire Chief or a Peace Officer may by order or notice, withhold, suspend, or cancel any written or verbal permit and permit exemptions where, in his/her opinion, an open fire or campfire constitutes a hazard or a nuisance to persons or property.

37. The Fire Chief or a Peace Officer may by order or notice withhold, suspend, or cancel any written permits and permit exemptions where it is determined a breach of permit conditions or a section of this bylaw has occurred.

38. Order or notice by the Fire Chief or by a Peace Officer of permit suspension or cancellation, of permit exemption cancellation, and of partial or full fire bans may be effected by:

- 38.1. attendance upon a permit holder or upon a person apparently 16 years of age or older ordinarily residing at the permit holder's residence;
 - 38.2. written notice placed upon the permit holder's residence;
 - 38.3. one publication of the order or notice in a newspaper having general circulation in the City of Langford; or
 - 38.4. one broadcast of the order or notice on radio or television having general circulation in the City.
39. The Fire Chief or his/her designate or a Peace Officer may extinguish, cause, or order to be extinguished, any open fire or campfire that constitutes a hazard or nuisance to persons or property, or which has been ignited, conducted, or maintained without permit.
40. No person being the owner or occupier of real property may cause, permit or allow any fire or campfire to be ignited, conducted, or maintained except in accordance with a valid permit issued by the Fire Chief.

CONDUCT OF FIRES

41. Every owner and every person who ignites, conducts, maintains, or supervises a fire, or campfire, or who allows such a fire to be ignited, conducted, maintained or supervised is responsible for that fire.
42. Fires conducted under Special Permit must be conducted in accordance with all conditions set out in the permit.
43. The owner of a property upon which an open fire for the disposal of yard waste is conducted, and/or the person(s) conducting the fire must:
 - 43.1. ensure the yard waste is dry and fed to the fire in such a way that rapid ignition and combustion occurs;
 - 43.2. use the fire to dispose of yard waste generated solely from the property upon which the fire is taking place;
 - 43.3. ensure a fire supervisor of at least 16 years of age continuously attends the fire;
 - 43.4. ensure extinguishing equipment such as a charged water hose is readily available;
 - 43.5. take every reasonable precaution to prevent heavy smoke being generated or becoming a nuisance; and
 - 43.6. situate the fire on their private property at least 6 meters (20 feet) from all property lines and buildings, and at least 3 meters (10 feet) from standing grass, shrubs, trees, wood fencing or other combustible materials;

43.7. ensure the base of the open fire is no larger in area than 1.5 metres by 1.5 metres (5 feet by 5 feet).

44. The owner of property upon which an incinerator is used, and/or the person using the incinerator must:

44.1. ensure that the incinerator meets the criteria for an “authorized incinerator” as defined in this bylaw;

44.2. ensure that the incinerator is used in accordance with open fire requirements set out in section 43, above; and

44.3. situate the incinerator on their private property at least 4.5 meters (15 feet) from any building and at least 2 meters (6 feet) from standing grass, trees, shrubs, wood fencing or other combustible materials.

45. The owner of a property upon which a campfire is conducted, and/or the person(s) conducting the campfire must:

45.1. obtain a verbal permit from the Fire Department, which requires supplying in advance, the address of the property upon which the campfire will be located and the name and telephone number of the owner or occupant the property;

45.2. ensure a fire supervisor of at least 16 years of age continuously attends the campfire;

45.3. ensure the base of the campfire is no larger in area than .6 metres by .6 metres (or 2 feet by 2 feet, or 4 square feet, or 2 feet in diameter);

45.4. ensure the campfire is located at least 3 meters (10 feet) from standing grass, shrubs, trees, wood fencing or other combustible material;

45.5. ensure the campfire is located in an in-ground pit, or an above-ground non-combustible container, or in an open area of mineral soil, gravel, rock or sand.

45.6. ensure the campfire is fuelled by firewood only and is not being used to dispose of any waste, noxious materials or yard waste;

45.7. the campfire is extinguished and soaked to stop re-ignition by midnight (0000hrs) or before the fire becomes unsupervised; and

45.8. the campfire is extinguished during periods of high wind.

LIABILITY, OFFENCE, PENALTY, SEVERABILITY

46. This Bylaw shall not be construed in any way to hold the City, the Fire Chief, or any City-authorized agent responsible for damage to persons or property by reason of:

- 46.1. inspections authorized or conducted in accordance with the Bylaw;
 - 46.2. failure to conduct or complete an inspection authorized in the Bylaw; or
 - 46.3. fires conducted in accordance with the Bylaw.
47. Any person who contravenes this Bylaw by doing an act it forbids or by omitting to do an act which it requires commits an offence and is liable to a fine of up to \$2,000 per offence upon summary conviction, plus the cost of prosecution and as applicable, cost recovery charges as set out in section 48, below.
48. If a fire is prohibited under this bylaw or, in the opinion of the Fire Chief a fire constitutes a hazard, has escaped or may imminently escape control, the Fire Department may attend to control or extinguish the fire with costs, expenses and penalties for doing so chargeable to the owner, the person conducting the fire, and/ or the fire supervisor.
49. Each day during which an offence against this bylaw is continued is deemed to be a new and separate offence, and the costs, expenses and penalties as set out in sections 47 and 48 above, shall apply in addition to any other penalty or remedy provided for in this Bylaw or any other statute, law, or regulation.
50. Costs and expenses charged to an owner pursuant to section 48, if unpaid on December 31st of any year, may be added to and form part of the taxes payable on the owner's real property as taxes in arrears.
51. Persons authorized to issue Municipal Ticket Information in accordance with Schedule B attached to and forming part of this bylaw include the Fire Chief and every Peace Officer having jurisdiction in the City.
52. If any section of this bylaw is deemed to be unlawful, all other sections remain in force and effect.

53. **REPEAL:**

“District of Langford Burning and Fire Regulation Bylaw No. 102, 1995” and all of its amendments are hereby repealed.

READ A FIRST TIME this 21st day of July, 2014.

READ A SECOND TIME this 21st day of July, 2014.

READ A THIRD TIME this 21st day of July, 2014.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 18th day of August, 2014.

MAYOR

CORPORATE OFFICER

Amending Bylaws:

Bylaw No. 1543, 2014 – Amendment No. 1 (adopted October 20th, 2014);
Consolidated Document Prepared: October 21st, 2014 (jc)

Appendix A
City of LANGFORD
BURNING AND FIRE REGULATION BYLAW NO. 1532, 2014



City of Langford
www.cityoflangford.ca

Open Burn Permit

Permit Details

Address:

Issued To:

Permit Date: 2014-June-11

Permit ID: 100

Permit Conditions

1. The base of the fire can be no larger than 5 ft by 5ft
2. Must be supervised by an adult
3. Clean materials only
4. Must have a means to control
5. Hours: Sunrise to Sunset
6. The Fire Chief can rescind the permit for any reason.

Full terms can be found in bylaw 1532

Appendix B
BYLAW NO. 1532
City of LANGFORD
BURNING AND FIRE REGULATION BYLAW NO. 1532, 2014

WORDS OR EXPRESSIONS
DESIGNATING OFFENCE

	SECTION	PENALTY
1. Obstruct Entry	2	\$250
2. Hinder Fire Department Member	3	\$150
3. Fail to remedy fire hazard after notice	4	\$100
4. Commercial/Industrial burning	10	\$250
5. Burn Noxious Materials	11	\$150
6. Burn Land Clearing/Machine Piled Debris	12	\$250
7. Park Vehicle in Fire Lane	14	\$100
8. Drive Over Fire Hose	15	\$75
9. Block access to hydrant	16	\$40
10. Block access to hydrant – vehicle	17	\$40
11. Burn without permit	30	\$150
12. Unsupervised open air fire	43.3	\$100
13. Insufficient fire setback	43.6	\$75
14. Non-adherence to campfire conditions	45	\$100