

THE CORPORATION OF THE VILLAGE OF KEREMEOS

BYLAW NO. 665, 2003

Being a bylaw to regulate fires and to prevent fires within the Village of Keremeos

WHEREAS pursuant to Section 522 of the *Local Government Act* and Sections 21 through 23 of the *Fire Services Act* Municipal Council may, by bylaw, make regulations to decrease or prevent fires;

AND WHEREAS pursuant to Section 725 of the *Local Government Act* Municipal Council may, by bylaw, require persons to eliminate or reduce the fouling or contaminating of the atmosphere.

NOW THEREFORE, Municipal Council of the Corporation of the Village of Keremeos, in open meeting assembled, enacts as follows:

TITLE

1. This bylaw may be cited for all purposes as "Fire Regulation Bylaw No. 665, 2003.

DEFINITIONS

2. In this bylaw:

"Building Inspector" means the person appointed by Municipal Council of the Corporation of the Village of Keremeos to act as the Building Inspector for the Municipality;

"Fire Chief" means the person appointed by the Regional District of Okanagan-Similkameen, and the Village Of Keremeos to be the Fire Chief for the Keremeos Volunteer Fire Department, and includes his designates;

"firewood" means seasoned, untreated wood and lumber;

"garden refuse" means dried plant matter, such as leaves, stems, twigs and branches, that originate on a parcel of land within the Village. For the purpose of residents bringing garden refuse to the Village garden refuse pile; garden refuse does not include Orchard, Farm or Commercial refuse or prunings"

"Local Assistant to the Fire Commissioner" means a local assistant to the fire commissioner as described in section 6 of the *Fire Services Act*,

“municipality” means the Corporation of the Village of Keremeos;

“open burning” means burning of materials on the ground, and without any containment device.

“prohibited material” means tires, plastics, drywall, demolition waste, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers and biomedical waste.

"campfires" has the same meaning as listed in the FOREST FIRE PREVENTION AND SUPPRESSION REGULATION as follows;
A campfire is an open fire for the purposes of cooking, warmth, or ceremonial purposes. A fire for any other purpose is considered open burning.

REGULATIONS

3. ENFORCEMENT

The Building Inspector, the Fire Chief, the Local Assistant to the Fire Commissioner, and the Bylaw Enforcement Officer are empowered to enforce this bylaw.

4. BURNING BARRELS BANNED

No person shall operate, install or construct any incinerator, or barrel, for the disposal of any material including prohibited material, industrial or commercial waste, refuse, rubbish, garbage, prunings, or any combination thereof within the municipality. *(burning barrels are totally banned)*

5. BURNING OF PROHIBITED MATERIAL

No person shall ignite or cause to be ignited any prohibited material, industrial or commercial waste, refuse, rubbish, garbage or any combination thereof within the municipality.

6. OPEN BURNING

Subject to a ban in effect by the Forest Ministry or a ban enacted by the Fire Chief or Fire Commissioner, open burning of garden refuse is permitted between October 1st and May 1st of the following year, **provided that** where the Keremeos Irrigation District has turned off Irrigation water, open burning must be done in areas accessible to a residential hose bib, or where a water supply is accessible , **and provided that;**

- (a) any fire ignited is attended at all times;
- (b) there is a sufficient quantity of fire extinguishing materials at the site of the fire; and
- (c) all flammable materials have been removed from a 10 ft. foot strip surrounding the fire on Residential property and 25 ft. strip on Agricultural property.

7. CAMPFIRES

Campfires for cooking, warmth or ceremonial purposes are permitted all year, **provided that:**

- (a) before a campfire is ignited, all combustible material including roots, leaves and other deleterious material has been removed for at least 2 ft. in every direction from the perimeter of the fire;
- (b) The fire must be at least 10 ft. from any slash, snag, standing tree or wooden structure;
- (c) The fire must not be more than 3 ft. in diameter or width or 3 ft. in height;
- (d) Only firewood, charcoal briquettes and other clean burning materials are burned;
- (e) Any fire ignited is attended at all times;
- (f) There is a sufficient quantity of fire extinguishing materials at the site, including a shovel, and;
- (g) The fire must be totally extinguished before the fire is left unattended.

Where the Ministry of Forests has issued a campfire ban, or where the Village Of Keremeos Fire Chief or the Fire Commissioner has issued a burning ban, all outdoor fires within the Village Of Keremeos are banned.

8. **INSPECTION AND ENTRY**

The Building Inspector, Fire Chief, Local Assistant to the Fire Commissioner and **Bylaw Enforcement Officer** may at all reasonable hours enter any premises anywhere in the municipality to inspect them and ascertain whether or not:

- (a) the premises are in a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
- (b) the premises are so used or occupied that fire would endanger life or property;
- (c) combustible or explosive material is kept or other flammable conditions exist on the premises so as to endanger life or property;
- (d) a fire hazard exists on the premises.

9. (a) **ORDERS**

After an inspection the Building Inspector, Fire Chief or Local Assistant to the Fire Commissioner may, in writing, order that within a reasonable time, to be fixed by the order,

- (i) where Section 8 (a) applies, the owner remove or destroy the premises, or the owner or occupier repair the premises;
- (ii) where Section 8 (b) applies, the owner or occupier alter the use or occupancy of the premises;
- (iii) where Section 8 (c) applies, the occupier remove or keep secure the combustible or explosive material or remedy the flammable conditions;
- (iv) where Section 8 (d) applies, the owner or occupier remove or take proper precautions against the fire hazard.

(b) **COMPLIANCE**

After the receipt of an order, the owner, occupier or person in charge must comply with it.

(c) **COSTS**

Subject to an agreement to the contrary, the cost of complying with an order must be borne by the owner, and if the occupier pays the cost, the occupier has a right of action or set off against the owner for the cost actually and necessarily paid in complying with the order.

10. **FIRE SERVICES ACT**

If there is no occupier of premises about which an order is made, and the owner is absent from British Columbia or the owner's whereabouts are unknown, Section 23 of the *Fire Services Act* applies to the order.

11. REPEAL

Fire Regulation By-law No. 615, 2000 is hereby repealed.

12. VIOLATIONS

Every person who violates of the provisions of this bylaw, or who 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 refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this bylaw, commits an offence and is liable on conviction to a fine of not less than One Hundred Dollars (\$100.00) nor more than the maximum penalty provided under the *Offence Act*, **or as stated in the Municipal Ticketing Bylaw.**

First three readings of Bylaw rescinded the 6th day of October, 2003.

Amended Bylaw:

READ a first time by Municipal Council this 6th day of October, 2003.

READ a second time by Municipal Council this 6th day of October, 2003.

READ a third time by Municipal Council this 3rd day of November, 2003.

ADOPTED by Municipal Council this 17th day of November, 2003.

MAYOR

Chief Administrative Officer

I hereby certify this to be a true and correct copy of "Fire Regulation Bylaw No. 665, 2003 as adopted by Municipal Council on the 17th day of November, 2003.

Chief Administrative Officer