

DISTRICT OF UCLUELET

Bylaw No. 1288, 2021

A bylaw to Regulate Outdoor Burning

WHEREAS the District of Ucluelet Council deems it desirable and necessary to regulate outdoor burning within the District of Ucluelet;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, hereby enacts as follows:

1. Definitions:

1.1 In this Bylaw:

"Accelerant" means any substance which increases the rate of combustion of a fire, rapidly expands a fire, or rapidly starts a fire, including but not limited to gasoline, butane, alcohol, or commercial fire starter products.

"Bylaw Enforcement Officer", for the purposes of this Bylaw means any of the following:

- a) Bylaw Enforcement Officer for the District of Ucluelet;
- b) Fire Chief for the District of Ucluelet;
- c) Chief Administrative Officer for the District of Ucluelet;
- d) Superintendent of Public Works for the District of Ucluelet; or
- e) An Officer of the Royal Canadian Mounted Police.

"Campfire" means a contained outdoor fire used for cooking, social enjoyment, or ceremonial purposes which does not exceed 0.5 (one half) metre high and 0.5 (one half) metre wide.

"Fire Chief" means the person appointed by the Chief Administrative Officer, as head of the fire department.

"Garden Refuse" means any garden materials, and includes grass clippings, leaves, branches pruned from trees, shrubs, and any similar garden material.

"Municipality" means the District of Ucluelet.

"Noxious Material" means tires, plastics, drywall, demolition waste, dimensional lumber, domestic waste, treated wood, construction waste, land clearing debris, paint, special waste, tar paper, lumber, railway ties, manure, rubber, asphalt, asphalt products, petroleum products or containers, biomedical waste, tar, shingles, batteries, and any other substance which produces heavy black smoke, noxious odours or toxic residue when burned.

"Open Burning" means the combustion of material with or without control of the

combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere.

“Portable Campfire Apparatus” means a free-standing fireplace that burns liquid or gaseous fuel designed to provide ambiance and heat and is approved by Underwriters Laboratories of Canada (ULC) or the Canadian Standards Association (CSA). Such devices must only be operated on a non-combustible surface.

“Sky Lantern” means a small hot air balloon made of paper or a similar lightweight material that is powered by a candle.

2. Restrictions

- 2.1. The Fire Chief may suspend, restrict, or cancel any or all Open Burning.
- 2.2. A person who lights, fuels, or makes use of a fire must extinguish it immediately when directed to do so by a Bylaw Enforcement Officer.

3. Campfires

- 3.1 Campfires are permitted provided there are no Open Burning restrictions in place and all the following conditions are met:
 - a) Fires must be at least 3 (three) metres from any combustible materials;
 - b) A pail containing at least 8 (eight) litres of water, garden hose capable of reaching and extinguishing the fire, or a shovel capable of extinguishing the fire must always be near the fire;
 - c) A competent person 18 (eighteen) years of age or older must always attend the fire;
 - d) Campfires on municipal beaches must be located below the high tide mark;
 - e) Campfires on municipal beaches must be completely extinguished by 10:00 pm or at the direction of a Bylaw Enforcement Officer; and
 - f) Fires must be completely extinguished, and ashes must be cool to the touch prior to abandonment.

4. Prohibitions

- 4.1 A fire which exceeds the size of a Campfire is prohibited.
- 4.2 The use of Accelerants is prohibited.
- 4.3 The burning of Noxious, explosive, corrosive, or toxic material is prohibited.
- 4.4 It is prohibited to allow a fire to extend from the point of origin. Such person(s) responsible may be liable for any and all damages caused by said fire and all costs for fire department response. Fire department charges will be based on the All-Found rate listed in the “Memorandum of Agreement for Inter-Agency Operational Procedures and Reimbursement Rates” for the Province of British Columbia which is

current at the time of the fire.

- 4.5 The use of Sky Lanterns is prohibited.
- 4.6 The burning of Garden Refuse is prohibited.

5. Exemptions

- 5.1 Notwithstanding any of the above, Open Burning is allowed where authorized by the Fire Chief for the purposes of fire department training, or for the good of the Municipality.
- 5.2 A Portable Campfire Apparatus may be operated provided its use is in accordance with the manufacturer's specifications. Flame length must not exceed 15 (fifteen) centimeters.

6. Inspections

- 6.1 A Bylaw Enforcement Officer may:
 - a) enter at all reasonable times, on any property that is subject to this Bylaw, to ascertain whether the regulations in this Bylaw, or the directions made under this Bylaw, are being observed;
 - b) inspect property or premises for conditions that may cause a fire or increase the danger of fire or increase the danger to persons;
 - c) make orders directing the property owner, occupiers, or owner's agent to bring the property, premises, or fire into compliance with this Bylaw; or
 - d) order a property owner, occupier, or owner's agent to extinguish any type of fire, at the Bylaw Enforcement Officer's discretion.
- 6.2 No person shall prevent or obstruct, or attempt to prevent or obstruct, a Bylaw Enforcement Officer who is enforcing the provisions of this Bylaw.

7. Ticketing

- 7.1 A person commits an offence and is subject to the penalties imposed by this Bylaw, and the Offence Act, if that person:
 - a) contravenes, violates or fails to comply with any provision of this Bylaw or any order issued under this Bylaw;
 - b) suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw or any order issued under this Bylaw; or
 - c) fails or neglects to do anything required to be done under this Bylaw or any order issued under this Bylaw.
- 7.2 Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
- 7.3 Fines and penalties for tickets issued for offences against this Bylaw shall be in

accordance with Schedule "A", attached hereto and forming part of this Bylaw.

8. Severability

8.1 If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

9. Administrative Provisions

9.1 This Bylaw may be cited as the "District of Ucluelet Outdoor Burning Bylaw No. 1288, 2021".

9.2 This bylaw hereby repeals the "District of Ucluelet Outdoor Burning Bylaw No. 978, 2005 and amendments thereto".

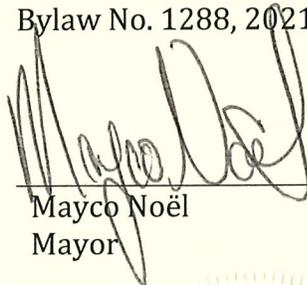
READ A FIRST TIME this 27th day of April, 2021.

READ A SECOND TIME this 27th day of April, 2021.

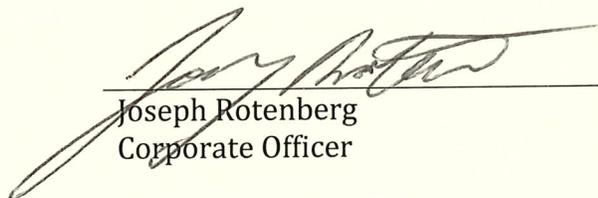
READ A THIRD TIME this 27th day of April, 2021.

ADOPTED this 11th day of May, 2021.

CERTIFIED A TRUE AND CORRECT COPY of the "District of Ucluelet Outdoor Burning Bylaw No. 1288, 2021."



Mayco Noël
Mayor



Joseph Rotenberg
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:



Joseph Rotenberg
Corporate Officer

Outdoor Burning Bylaw No. 1288, 2021

Schedule "A" Fines and Penalties

Description of Offense	Section	Fine
Burning while restrictions are in place	3.1	\$250.00
Refusal to extinguish fire when directed to do so	2.2	\$250.00
Fire less than 3 metres from combustibles	3.1 (a)	\$100.00
Inadequate means of extinguishment at site of fire	3.1 (b)	\$100.00
No person 18 years of age or older in attendance at fire	3.1 (c)	\$100.00
Burning above the high tide line	3.1 (d)	\$100.00
Beach fire not extinguished by 10:00 pm or when directed to do so	3.1 (e)	\$100.00
Fire not completely extinguished	3.1 (f)	\$100.00
Fire which exceeds the allowable size	4.1	\$250.00
Use of an Accelerant	4.2	\$250.00
Burning Noxious, explosive, corrosive, or toxic material	4.3	\$250.00
Fire extension from the point of origin Additional fire department charges may be applied	4.4	\$250.00
Use of a Sky Lantern	4.5	\$250.00
Lighting a Garden Refuse Fire	4.6	\$250.00
Use of a non-compliant Portable Campfire Apparatus	5.2	\$100.00
Obstruction of a Bylaw Officer	6.2	\$250.00