THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW No. 905

A BYLAW TO PROVIDE FOR THE PREVENTION OF FIRE AND THE PROTECTION OF PERSONS AND PROPERTY IN THE VILLAGE OF WARFIELD

WHEREAS the *Community Charter* authorizes the Village of Warfield, for the health, safety or protection of persons and property to regulate municipal services and fires by bylaw;

NOW THEREFORE, the Council of the Village of Warfield, in open meeting assembled ENACTS AS FOLLOWS:

1. SHORT TITLE

This bylaw may be cited as "The Village of Warfield Fire Prevention Bylaw No. 905, 2022.

2. INTERPRETATION

For the purposes of this bylaw, the following words and expressions are defined:

"Act" means the *British Columbia Fire Services Act*;

"Bylaw Officer" means any person appointed by the Council as a Bylaw Officer;

"Council" means the Council of the Village of Warfield;

"Fire Service" means the Kootenay Boundary Regional Fire Rescue (KBRFR);

"Fire Service Officer" means any person who is designated by the Kootenay Boundary Regional Fire Rescue Chief to enforce, apply or carry out duties as required by this bylaw;

"Hazardous Materials" means any material defined as prohibited by the Province of BC Ministry of Environment.

"Open Burning" means burning of any material that is carried out:

i) in a manner other than using a device that allows controlled combustion; or
ii) in any manner without a stack or chimney to vent the emitted products of combustion to the atmosphere.

"Residential Campfire" means the burning of clean wood, for the purposed of cooking food, in a pit or fire ring having a diameter that is no greater than 0.5 m, with an immediate source of water for extinguishing nearby.

"Village" means the Village of Warfield;

"Yard Waste" means any materials from a yard including but not limited to, tree cuttings, branches and leaves that does not classify as clean firewood;

3. OPEN BURNING

(1) No person shall engage in Open Burning. For certainty, yard waste burning is prohibited.

(2) Any fire started shall be extinguished by the property owners or occupiers upon the request of the Fire Service Officer, Bylaw Officer or their designates.

(3) If an order under subsection (2) is disobeyed, the Fire Service may extinguish the open fire at the expense of the person responsible for the prohibited fire and the Village may recover the expense from that person in the same manner as municipal property taxes in accordance with the *Local Government Act.*

4. RESIDENTIAL CAMPFIRE

(1) All persons who wish to have a residential campfire within the Village are required to complete and purchase a Residential Campfire Permit yearly (January 1st – December 31st) at a cost of thirty-five dollars ($35.00) from the Village Municipal office prior to having a campfire and which permit must be displayed at the residential campfire site.

(2) The completed Residential Campfire Permit must include a photograph of the fire ring and all persons completing the permit must certify by signature that they are in full understanding of the requirements under this bylaw and that they must comply with the Province of British Columbia burning regulations.

(3) A residential campfire must meet the following requirements:

(a) may only be started and maintained in a fire pit or fire ring which must have a diameter that is no larger than 0.5 m;
(b) must be located at least three meters from trees, shrubs structures and debris;
(c) must not be started when the location of the fire is experiencing periods of wind; if already lit, the fire should be extinguished during periods of extended wind;
(d) must always be attended;
(e) a functioning, serviced water hose or bucket of at least 8 liters of water, and/or a hand tool (such as a shovel) must be made immediately available to extinguish the fire;
(f) the residential campfire must be completely extinguished before retiring from the fire or leaving the area for any amount of time;
(g) all fires must be extinguished by dousing the fire and surrounding area with water, until no embers remain, and the ashes are cold to the touch; and
(h) only clean firewood can be used in the campfire. No prohibited or hazardous materials as defined by the Province of BC Ministry of Environment, including but not limited to yard waste and construction materials.

(4) All persons must refer to the British Columbia Wildfire Services, Southeast Fire Centre's (Kootenay Boundary Region) current fire ban and restrictions guidelines before the creation of a campfire, to receive current information on fire regulations within the Village.

(5) Every person who causes an incident directly attributed to the improper use of a residential campfire or fails to comply with the provisions of this bylaw, including Schedules "C", shall be liable, upon conviction, to a fine as set out in Schedule "A" attached hereto, and the Village of Warfield may recover any expenses occurred from that person in the same manner as municipal property taxes in accordance with the *Community Charter.*

5. RESCISSION OF PERMITS

(1) The Fire Service Officer, Officers, employees or agents of the Village, may rescind or suspend any Permit issued under this bylaw if;

(a) a fire ban is in effect;

(b) the Permit holder breaches or violates any provisions within this bylaw;

(c) It is determined by the Fire Service Officer, Fire Services Officer, or Officer of the Village that the Permit holder may have submitted an application with inaccurate or false information.

6 RIGHT OF ENTRY

(1) Fire Service, Officers, employees, or agents of the Village may enter at all reasonable times, any property that is subject to the requirements or regulations of this bylaw, to ascertain whether the regulations or provisions made under this bylaw are in compliance.

(2) Fire Service is authorized to order a fire to be extinguished.

(3) No person shall obstruct or prevent the Fire Service, officers, employees, or agents of the Village from conducting an inspection under this bylaw.

(4) All persons shall maintain private roadways, access roads, fire lanes and yards for Fire Service and Emergency vehicle access in conformance with the *British Columbia Fire Code.*

7. ENFORCEMENT

(1) A person who contravenes any provision of this Bylaw may be subject to prosecution under the *Offence Act* and be liable, upon conviction, to a fine as set out in Schedule "A" attached hereto, and the Village may recover any expenses occurred as a result of the noncompliance from that person in the same manner as the municipal property taxes in accordance with the *Community Charter.*

8. SCHEDULES

(1) The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

Schedule "A" - Fines
Schedule "B" – Fees-Residential Campfire Permit
Schedule "C" – Residential Campfire Permit

9. TERM

This Bylaw becomes effective at the date of adoption and will automatically expire on December 31, 2023.

Read a First, Second and Third time this 9th day of May, 2022.

Reconsidered and Adopted this 16th day of May, 2022.

Mayor

Corporate Officer

CERTIFIED TRUE COPY of Bylaw 905 cited as "Village of Warfield Fire Prevention Bylaw No. 905, 2022" this 8th of, June 2022.

Corporate Officer

SCHEDULE "A" FINES

Offence	Section	Amount
Open Burning	3 (1)	$500.00
Burning without a Residential Campfire Permit	4 (1)	$350.00
Failure to display Residential Campfire Permit at site	4 (1)	$25.00
Failure to follow terms and conditions of Residential Campfire Permit	4 (5)	$300.00
Failure to maintain private roadways, access roads, fire lanes yards for Fire Service and Emergency vehicle access	6 (4)	$250.00

SCHEDULE "B" –FEES: RESIDENTIAL CAMPFIRE PERMIT

Permit	Section	Amount
Residential Campfire Permit	4 (1)	$35.00

SCHEDULE "C"-RESIDENTIAL CAMPFIRE PERMIT

Addresses recorded in the permit application MUST match the location where the campfire will be held.

PERMIT HOLDER'S INFORMATION:

Name: _____

Location of Residential Campfire: Registered Property House Number, Street Name:

_____

E-mail Address: _____

Phone Number: _____

Date: _____ (Permit Valid from this date until December 31 of the same year and may be cancelled by Kootenay Boundary Regional Fire Rescue or the Village of Warfield staff or Bylaw Enforcement Officer at any time.)

PERMIT CONDITIONS:

By agreeing to these conditions and registering your residential property, you, the permit holder, are acknowledging that you have read, understood, and will abide by the rules and regulations of this permit.

- ✓ Campfires must take place at the property listed on the permit application and sited as per the originally inspected campfire location on that property
- ✓ Campfires must be no larger than 0.5 m in circumference.
- ✓ Fuel used for the campfire can be stacked to a height that does not exceed 0.5 meters. The flame from the fuel should not exceed 0.5 meters above the stacked fuel.
- ✓ The campfire must be three meters away from trees, shrubs, structures, and debris.
- ✓ Remove all leaves, twigs, and other flammable material from the area around the campfire.
- ✓ Never have a fire when it is windy.
- ✓ Choose a proper fire pit or make a ring of rocks at least three metres from trees, shrubs, structures, and debris
- ✓ A campfire must always be attended.
- ✓ Keep a water connected hose or a bucket of at least eight litres of water always close by the fire, and/or a hand tool (such as a shovel) to extinguish the fire properly.
- ✓ Completely extinguish the campfire before you go to sleep or leave the area for any period.
- ✓ To extinguish your campfire, pour significant amounts water on the fire and surrounding area, dousing the site of the campfire thoroughly. Stir the campfire and pour additional water until there are no embers and the ashes are cold to the touch.
- ✓ This permit may be cancelled by Kootenay Boundary Regional Fire Rescue or the Village of Warfield staff or Bylaw Enforcement Officer at any time. A cancelled permit cannot be renewed.
- ✓ Only clean firewood may be used for burning in a campfire. No prohibited or hazardous materials as described by provincial legislation may be burned, including, but not limited to yard waste and

construction materials (see full list here: https://www2.gov.bc.ca/gov/content/environment/air-land-water/air/air-pollution/smoke-burning/burning-outdoors

- ✓ The permit holder must have an adult (19 yrs. or older) in attendance until the fire is completely extinguished and such adult is responsible for damages caused by the fire to any other person(s) or property.
- ✓ The permit holder is responsible for ensuring the campfire is continuously supervised and controlled by a competent adult equipped with and knowledgeable in the use of extinguishing equipment and materials.
- ✓ A copy of this permit must be available for viewing by a member of the Kootenay Boundary Regional Fire Rescue or Village of Warfield Bylaw Enforcement Officer on request.

PLEASE BE ADVISED:

IF AND WHEN AN OPEN FIRE BAN IS ISSUED BY THE BC WILDFIRE SERVICE, SOUTHEAST FIRE CENTRE YOUR CAMPFIRE PERMIT IS VOIDED AND WILL BE REACTIVATED AFTER THE BAN IS LIFTED. IT IS THE SOLE RESPONSIBILITY OF THE PERMIT HOLDER TO COMPLY WITH A FIRE BAN.

FAILURE TO COMPLY WITH THIS PROHIBITION AND RESTRICTIONS MAY RESULT IN A FINE FOR EACH INDIVIDUAL ON SCENE (https://www2.gov.bc.ca/gov/content/safety/wildfire-status/about-bcws/governance/legislation-regulations/summary-of-fines***)***

Sketch of location of fire pit / fire ring

Residential address:_____

Village Representative: _____

Permit Holder: _____
Signature

Date Permit Issued: _____ **Permit Number:**_____

☐ This firepit was approved in a previous year (**New photos required and attached**)