

DISTRICT OF LANGFORD

BYLAW NO. 102

A BYLAW TO REGULATE BURNING, PREVENT AND SUPPRESS FIRES AND REGULATE PEOPLE AT FIRES

WHEREAS the Langford Fire Protection District adopted “Fire Regulations Bylaw, 1991” on September 10, 1991;

AND WHEREAS District of Langford was incorporated on December 8, 1992;

AND WHEREAS Council now wishes to prohibit burning during the summer months;

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

1. Definitions:

The following terms and expressions shall have the meaning hereinafter assigned to them that is to say:

- (a) **“Animal Organic Waste”** shall mean solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers;
- (b) **“Approved Plastic Container”** shall mean approved by a recognized testing authority;
- (c) **“Authorized”** shall mean authorized by the Chief of the Fire Department;
- (d) **“Authorized Incinerator”** shall mean any metal or masonry container in good condition mounted on a non-combustible base, fitted with a metal screen or grill of less than 12.5 mm (1/2”) mesh to restrict any sparks or flying debris;
- (e) **“Building”** shall mean any structure used or intended for supporting or sheltering any use or occupancy;
- (f) **“Combustible Liquid”** shall mean any liquid having a flash point at or above 37.8° C and below 93.3° C;
- (g) **“Council”** shall mean The Council of the District of Langford;
- (h) **“Demolition Waste”** shall mean any material resulting from or produced by the complete or partial destruction or tearing down of any structure;
- (i) **“District”** shall mean the District of Langford;
- (j) **“Dwelling”** shall mean any building or part of a building occupied or intended to be occupied as the residence of not more than one family;
- (k) **“Extinguished”** shall mean no visible flame, sparks, glowing embers or smoke;

- (l) **“Fire Chief”** shall mean the Fire Chief of the District of Langford or any person designated to act on his behalf;
- (m) **“Fire Department”** shall include the Fire Department of the District and the Fire Department of any other Fire Protection District or Municipal Corporation attending fires within the District;
- (n) **“Fire Hazard”** shall mean any condition that is conducive to the destruction of life or property by fire, or will, or is likely to increase the extent or severity of the fire;
- (o) **“Flammable Liquid”** shall mean 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;
- (p) **“Flash Point”** shall mean the minimum temperature at which a liquid within a container gives off vapours in sufficient concentration to form an ignitable mixture with air near the surface of the liquid.
- (q) **“Garbage”** shall mean any animal, vegetable and food wastes or scraps;
- (r) **“Occupant”** shall mean owner, agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this Bylaw shall apply;
- (s) **“Open Burning”** shall mean the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere;
- (t) **“Person”** where used in this Bylaw shall mean natural persons of either sex, associations, corporations, or copartnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context shall apply according to law;
- (u) **“Private Residence”** shall mean any dwelling or Multi Family dwelling;
- (v) **“Public Building”** means any building other than a private dwelling house;
- (w) **“Refuse”** shall mean any approximately evenly proportioned mixture of rubbish and animal or vegetable waste material of low moisture content;
- (x) **“Rubber”** shall mean rubber goods, tires, plastics, and tar and asphalt roofing materials;
- (y) **“Rubbish”** shall mean any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes;
- (z) **“Smoke”** means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned;
- (aa) **“Two-family Dwelling”** shall mean any building occupied or intended to be occupied as the residence of not more than two families;
- (bb) **“Vehicle”** shall mean any device upon or in which any person or property is, or may be, transported or drawn on or upon a public highway.

2. RIGHT OF ENTRY

With the exception of a privately owned and occupied single family dwelling, the Fire Chief is hereby empowered to enter upon any land or premises for the purpose of making an inspection or investigation:

- a) to inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons;
- b) to see that any flammable matter is rendered harmless or suitably safeguarded against fire by requiring:
 - (i) the erecting of barricades;
 - (ii) the posting of "No Admittance" signs; or
 - (iii) any other measures deemed necessary by the Fire Chief.

3. NO OBSTRUCTION:

- a) No person shall obstruct the Fire Chief in making any entry authorized by this Bylaw;
- b) No person shall park a vehicle in an area designated as a fire lane.

4. NO HINDERANCE:

No person shall, in any way, hinder any member of the Fire Department or any other person under the direction of the Fire Chief at any fire or other emergency.

5. BREAKING BLOCKADE:

Except with permission of the Fire Chief, no person shall be permitted to enter any burning building or enter any area cordoned off by a member of the Fire Department.

6. DRIVING OVER HOSE:

No person shall drive a vehicle over any fire hose without the consent of the Fire Chief or someone acting under the direction of the Fire Chief.

7. ACCESS TO FIRE HYDRANT:

No person shall place or maintain any object or matter on a sidewalk or street, which interferes with free access, or approach to any fire hydrant.

8. SMOKING PROHIBITED:

- a) Where, in his opinion, smoking may create a fire or explosion hazard, the Fire Chief may prohibit smoking in any building, theatre, public hall, assembly hall, dance hall, school auditorium, skating rink, arena, or place used for public amusement, sport or public assembly or any structure or open space in which combustible materials are handled, stored, manufactured or sold;

b) **Post Suitable Signs to Prohibit Smoking:**

Where, in the opinion of the Fire Chief, smoking should be prohibited, he may give notice in writing to the occupant to post suitable signs that smoking is prohibited in or on such premises or buildings and the occupant thereof shall prohibit smoking in such premises or buildings. The term "smoking" shall include the carrying of a lighted pipe, cigar or cigarette;

c) **Penalty:**

Any person violating any such order or notice shall be deemed to be guilty of an infraction of this Bylaw and shall be liable to the penalties herein imposed.

9. DIRTY CHIMNEYS:

a) No owner or occupant of any building shall permit a chimney, stovepipe or flue to remain in any condition which may cause or create a fire hazard.

b) **Stopping Unused Flues:**

Every owner or occupant of any building shall keep all openings in any chimney in such buildings, while such openings are not in use, closed by a proper stopper or other non-combustible material.

10. INSPECTION OF CHIMNEYS, FLUES, FURNACES:

a) Where he deems it necessary, the Fire Chief may examine carefully any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other equipment he may deem to be a fire hazard.

b) **Notice to Remedy Fire Hazard:**

Where any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other equipment is found to be a hazard, the Fire Chief shall notify the owner or occupant of the building of the condition and indicate the remedy and the time within which the condition shall be remedied.

c) Any owner or occupant shall keep any hoods, vents and pipes above or leading from any range, oven, or other similar device or fixture in any building clean and free from grease and dirt.

11. DUTY TO COMPLY:

Where any owner or occupant has received notice under Section 9, he shall comply with the notice within the time indicated.

12. PUBLIC GATHERING:

a) The Fire Chief, at the expense of the owner or manager, may assign uniformed members of the Fire Department to any circus, carnival, or any other exhibition where large crowds of people assemble.

- b) The owner or the manager of any circus, carnival or other exhibition shall follow the directions of the Fire Chief or his designate to minimize the risk of fire hazard or danger to persons or property.

13. DEPOSITING ASHES:

- a) No person shall deposit any ashes or allow any ashes to be deposited or remain:
- i) in any combustible container;
 - ii) on the floor of any building belonging or occupied by that person; or
 - iii) in any metallic container which is within 300mm (12 inches) of any woodwork or any other combustible material.

b) Depositing Flammable Material Among Ashes:

It shall be unlawful for any person to deposit, or allow or cause to be deposited, any straw, hay shavings, or other combustible or flammable material or thing in or among any ashes or other materials or things taken from any stove, furnace or fireplace.

14. NO OPEN FLAME OR SMOKING NEAR FLAMMABLE MATERIAL:

No person, within the District, in that part of any building where there is an accumulation of hay, straw, shavings or other readily flammable material, or liquids, shall smoke, or have in their possession any lighted pipe, cigar or cigarette, or light or carry any naked light, flame, or light not approved by a recognized testing laboratory for such use.

15. METAL RECEPTACLES FOR FLAMMABLE MATERIAL:

A receptacle required in Article 2.4.1.4 of the BC Fire Code shall be constructed of non-combustible materials and have a close-fitting metal cover and, if the flooring material upon which it is placed is combustible, have a flanged bottom or legs not less than 50mm high.

16. CONTROL OF COMBUSTIBLE MATERIAL:

No person shall deposit or allow to collect or be deposited, within the District, any paper, rubbish, or other combustible material likely to cause or promote fire dangerous to buildings or other property.

17. CLEARING OF ROOF:

No owner or occupant of any building shall allow any paper, wood, debris or other combustible rubbish or material to accumulate upon the roof of a building.

18. DUTY TO SAFELY STORE:

Any person who makes, uses or has charge of shavings, paper bags, litter or other combustible material shall, at the close of each day, ensure that they are safely stored or disposed so as to be safe from fire.

19. OBLIGATIONS OF OWNERS AND OCCUPIERS:

- a) Any owner or occupant of real property in the District shall remove any matter or thing situated in or on any building or premises that, in the opinion of the Fire Chief, is a hazard or increases the danger of fire.

b) Where, in the opinion of the Fire Chief, any weeds, grass, vines or other growth on any premises constitute a fire hazard, the owner or occupant of the premises shall cause the weeds, grass, vines or growth to be cut and removed.

c) **Secure Unoccupied Buildings:**

Any owner of any unoccupied building shall ensure that it is properly secured against entry by unauthorized persons.

d) Where, in the opinion of the Fire Chief, any fire hazardous condition exists or any unoccupied building is not properly secured, the Fire Chief shall give written notice to the owner or occupant at their last known address or by posting a notice in a conspicuous place on the building or premises.

e) **Duty to Comply:**

In any notice under this section, the Fire Chief shall indicate the nature of the condition to be remedied, the manner in which the condition may be remedied, and the time within which the owner or occupant must comply.

f) Failure to remedy the hazards cited in any notice under this Section is an offence under this Bylaw.

20. BURNING:

a) **Commercial/Industrial:**

Neither Commercial nor Industrial burning is permitted within the District of Langford.

b) **Residential:**

Except as provided in this Bylaw, no person shall light, ignite or maintain any fire, or permit or cause any fire to be lit, ignited or maintained in the "Open Air" without first obtaining a permit, oral or written, from the Fire Chief, who may require a written application thereof.

c) **Land Clearing:**

Neither land clearing nor machine piled debris is permitted to be burned within the District of Langford.

21. FORM OF WRITTEN PERMIT:

A written permit shall be in the form set out in the schedule attached hereto, or to like effect, and shall not be valid after expiration thereof.

22. ISSUANCE:

a) The Fire Chief or his designate may withhold or, by notice, suspend or cancel any permit issued where, in his opinion, the igniting of a fire may create a hazard or nuisance to persons or property, and the Fire Chief or his designate may extinguish or cause to be extinguished any fire that is causing a nuisance to persons, or any fire started without a permit to do so.

- b) Service of such notice may be effected by:
- (i) personal service upon the holder, or upon any apparent resident over the age of 16 at the residence of the holder; or
 - (ii) one publication of such notice in a newspaper having general circulations in the District of Langford; or
 - (iii) one broadcast of such notice on radio or television having general circulation in the said District.

23. NOXIOUS ODORS:

No person shall burn any noxious materials which includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphaltic products, battery boxes, plastic materials, waste petroleum products, all of which may produce heavy black smoke or noxious odours.

24. “OPEN AIR” FIRES:

No persons shall light, ignite, start, or burn any fire in the open air for burning residential waste, including yard material or garden refuse, without first having obtained a permit to do so from the Fire Chief. Permits will be issued for open burning of garden refuse only, provided:

- (i) there are no alternative methods – (e.g. leaf collection service, drop-off location for yard waste, clipping service – available for managing or disposing of the garden refuse or vegetative yard waste);
- (ii) the garden refuse to be burned is thoroughly dried and fed to the fire in such a way that rapid ignition and burning occurs;
- (iii) the fire is for the purpose of tidying the premises where burning is taking place and the conditions ensure proper combustion of material being burned without risk of igniting surrounding material if left unattended;
- (iv) the fire is on the person’s property and is at least 6 meters (20 feet) from all property lines and buildings and at least 3 meters (10 feet) from any grass, shrub, trees or wooden fence;
- (v) for the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire is continuously supervised and controlled by a person who is at least 16 years old;
- (vi) the person supervising the fire has emergency equipment that is readily available and is capable of controlling or putting out the fire in five minutes at any stage for the purposes in paragraph (v); and
- (vii) the person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance.

25. AUTHORIZED INCINERATORS:

- a) The owner of an authorized incinerator shall ensure:
- (i) that the authorized incinerator is maintained in a condition that provides for proper combustion of any material burned;
 - (ii) that while it is in use, the permit holder or some competent person appointed by him/her shall supervise any burning and ensure that any equipment necessary for fire control is available;
 - (iii) that the authorized incinerator is located at least:
 - (a) 2 meters (6 feet) from any dry grass, shrubbery or wooden fence; and
 - (b) 4.5 meters (15 feet) from any building.

BL 319
21Sep98

26. RESTRICTION, FIRES IN THE "OPEN AIR" OR IN AN AUTHORIZED INCINERATOR:

- a) Fires in open air or in an authorized incinerator shall only be allowed on the first consecutive Friday and Saturday in the months of October, November, December, January, February, March, April and May.
- b) Except a fire lawfully maintained by special written permit issued by the Fire Chief, no person(s) shall ignite or have burning any fire in the open air or in an authorized incinerator.
- I. Between sunset of one day and sunrise of the following day; or
 - II. During the period of May 15 to September 30, or
 - III. On any statutory holiday
- c) **No Permit Required:**
- I. No person is required to obtain a permit for occasional burning of waste material from October 1st in any year to May 15th of the following year unless proclaimed otherwise by the Fire Chief.
 - II. No person is required to obtain a permit for a barbeque.
 - III. No person is required to obtain a permit for a small campfire providing the following conditions are adhered to:
 - a) The fire is contained in a masonry or metal pit not to exceed 24 inches in diameter
 - b) The fire pit is to be located minimum 20 feet from all property lines and buildings and 10 feet distance from all grass, shrubbery, wood or other combustible material.
 - c) A garden hose or immediate source of water is at fire site at all times fire is lit.
 - d) The fire is not to be ignited during high winds.
 - e) The fire is not to be left unattended at anytime fire is ignited.
 - f) The fire does not emit heavy smoke or noxious odours.
 - g) The fire is to be fully extinguished when not in use.
 - h) The fire is not to be used as an incinerator to burn residential waste, including yard material or garden refuse.

- i) The fire is to be fully extinguished by 0100 am.
 - j) The fire is not to be used to burn construction waste.
- d) The Fire Chief may prohibit all fires, by notice delivered in the manner set out in Section 22 of this Bylaw.

27. FIRE CHIEF MAY AUTHORIZE FIRE:

The Fire Chief may, by issuing a permit, authorize a person to ignite and maintain a fire at a time or place which is prohibited by a regulation contained in the Bylaw.

28. UNAUTHORIZED FIRES:

No person shall light or maintain any fire either in the "open air" or in any form of container on any street, lane or boulevard allowance, or in contravention of any other section of the Bylaw, without proper authorization.

29. STORAGE AND HANDLING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS:

The storage, handling and use of flammable liquids or combustible liquids in portable tanks shall be permitted, provided such tanks are constructed in conformance with CSA Standard B620, "Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods".

BL 523
30Nov00

30. ENFORCEMENT, OFFENCE AND PENALTY:

- a) The Fire Chief or his/her designate may enter upon any premises in order to ascertain that the provisions of this Bylaw are being obeyed.
- b) No person shall obstruct the Fire Chief or his/her designate in the discharge of his/her duty under this Bylaw.
- c) No person, and including but without limiting the generality hereof, no owner, tenant or occupier of private premises, shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.
- d) Every person who contravenes this Bylaw, by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not more than \$2,000.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- e) The penalties imposed under subsection (d) hereof, shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law or regulation.

31. COST RECOVERY:

- a) Every owner/occupant of a dwelling who starts or allows to be started any outdoor fire or open burning is responsible for such fire. If in the opinion of the Fire Chief, the fire represents a hazard, has escaped or threatens to escape from the owner's control or is prohibited under the terms of the Bylaw, the Fire Department may be summoned under the terms of the Bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the District to control or extinguish the fire. In addition, the Fire Department may levy fines as it deems appropriate. The costs and expenses, including penalties, may

be recovered from the owner together with any administration costs in like manner as municipal taxes.

BL 523
20Nov00

b) Permit Application – No Charge

32. REPEAL:

“Fire Regulation Bylaw, 1991”, Bylaw No. 91 of the Langford Fire Protection District is hereby repealed.

33. CITATION:

This Bylaw may be cited as “District of Langford Burning and Fire Regulation Bylaw No. 102, 1995”

READ A FIRST TIME this 3rd day of April, 1995.

READ A SECOND TIME this 3rd day of April, 1995.

READ A THIRD TIME this 3rd day of April, 1995.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 18th day of April, 1995

MAYOR

CLERK