

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #619

A BYLAW TO REGULATE OPEN BURNING

WHEREAS section 8(3)(g) of the *Community Charter* SBC Chapter 26 authorizes Council to regulate, prohibit and impose requirements in relation to the health, safety or protection of persons or property, and

WHEREAS Council deems it to be in the best interest of the community's safety to regulate and in some instances prohibit open burning within the community,

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

SHORT TITLE

1. (1) This Bylaw may be cited as the "Open Burning BYLAW".

DEFINITIONS

2. (1) For the purposes of this Bylaw:

"Ban" shall mean a general prohibition declared by the Fire Chief of such duration as may be deemed advisable by the Fire Chief;

"Barbeque" shall mean a cooking device intended for outdoor use and with the source of heat being electricity, natural gas, propane gas, or commercial charcoal;

"Fire Chief" shall mean the District Chief of Regional Fire Service Company No. 5, or a person appointed pursuant to the authority of the Regional Fire Service to act on his behalf;

"Fire Place" shall mean a fixed or mobile device having a fully or partially enclosed burning chamber and a smoke stack, and capable of burning any solid combustible material;

"Fire Pit" shall mean an open burning area, with or without a fire grate but without smoke stack, capable of burning any solid combustible material;

"Prohibition Suspension" shall mean the temporary suspension by the Fire Chief of a prohibition established under this Bylaw.

PROHIBITIONS

2. (1) Subject to the exemptions provided in this Bylaw, the use of a Fire Pit for the purpose of burning any substance at any time is prohibited.
- (2) Subject to the exemptions provided in this Bylaw, the use of a Fire Place for the purpose of burning any substance at any time is prohibited.

BARBEQUES

3. (1) The use of a Barbeque in an open yard space shall be permitted unless a Ban has been proclaimed by the Fire Chief.
- (2) The use of a Barbeque on a deck, verandah, or patio shall be permitted at all times.

PROHIBITION SUSPENSIONS

4. (1) Notwithstanding section 2(1) of this Bylaw, the Fire Chief may, in writing, suspend the Fire Pit prohibition for a specific location and a specific time.
- (2) Notwithstanding section 2(2) of this Bylaw, the Fire Chief may declare a general suspension of Fire Place prohibition for an indefinite term.
- (3) A Fire Place prohibition suspension shall be valid until revoked by the Fire Chief.

- (4) The Fire Chief shall report to the Council, in writing, all orders suspending a prohibition or revoking a suspension within 24 hours of issuing such order.

ENFORCEMENT

- 5. (1) A person failing to comply with the prohibitions of this Bylaw or an order, directive or instruction issued by the Fire Chief under the authority of this Bylaw is committing an offense and is liable to prosecution under the *Offenses Act*.

ENACTMENT

- 6. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) Bylaws #60 and #212 are hereby repealed.
- (3) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME	this 6 th day of July, 2004
READ A SECOND TIME	this 17 th day of August, 2004
READ A THIRD TIME	this 17 th day of August, 2004
RECONSIDERED AND FINALLY ADOPTED	this 7 th day of September, 2004

_____	_____
Mayor	Clerk

Certified a true copy of Bylaw #619, as adopted

Clerk