

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #786

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

WHEREAS the *Community Charter* authorizes the Village of Montrose, 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 Montrose, in open meeting assembled ENACTS AS FOLLOWS:

1. SHORT TITLE

This bylaw may be cited as "The Village of Montrose Fire Prevention Bylaw # 786, 2024.

2. DEFINITIONS

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

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

"Ban" means a general prohibition declared by the Fire Chief of such duration as may be deemed advisable by the Fire Chief.

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

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

"Council" means the Council of the Village of Montrose.

"Fire Services" 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 purpose of cooking food, in a fire pit having a diameter of no greater than 0.5 m, with an immediate source of water for extinguishing nearby.

"Village" means the Village of Montrose.

"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 for 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 to December 31st) at a cost of fifteen dollars (\$15.00) 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 pit 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 which must have a diameter that is no larger than 0.5 m;
 - (b) Must be located at least four meters from trees, shrubs, structures and debris;
 - (c) Must be located in the backyard of the property;
 - (d) 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;
 - (e) Must always be attended;
 - (f) A functioning, serviced water hose or bucket of at least 8 liters of water, and/or hand tool (such as a shovel) must be made immediately available to extinguish the fire;
 - (g) the residential campfire must be completely extinguished before retiring from the fire or leaving the area for any amount of time;
 - (h) 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
 - (i) 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, branches, leaves, garbage 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 restriction guidelines before the creation of a campfire, to receive current information on fire regulations within the Village.
- (5) Every person who causes an incident 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 set out in Schedule "A" attached hereto, and the Village of Montrose may recover any expenses occurred from that person in the same manner as municipal property taxes in accordance with the *Community Charter*.

BARBEQUES

5. (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.

6. RESCINDING OF PERMITS

- (1) The Fire Service Officer, Bylaw 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, Bylaw Officer, employees or agents of the Village that the Permit holder may have submitted an application with inaccurate or false information.
 - (d) The Village reserves the right to cancel the permit for any reason if it is deemed to be in Village's interest to do so.

7. RIGHT OF ENTRY

- (1) Fire Services, 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 Services is authorized to order a fire to be extinguished.
- (3) No person shall obstruct or prevent the Fire Services, 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 Services and Emergency vehicle access in conformance with the *British Columbia Fire Code*.

8. 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*.

9. 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

ENACTMENT

- 10. (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) This Bylaw shall come into full force and effect on final adoption.
- (3) Bylaws #619 and #624 are hereby repealed.

Read a First, Second and Third time this 4th day of November 2024

| | |
|----------------------------------|---|
| READ A FIRST TIME | this 4 th day of November, 2024 |
| READ A SECOND TIME | this 4 th day of November, 2024 |
| READ A THIRD TIME | this 4 th day of November, 2024 |
| RECONSIDERED AND FINALLY ADOPTED | this 18 th day of November, 2024 |

Mayor

Corporate Officer

Certified a true copy of Bylaw #786 as adopted

Corporate Officer

SCHEDULE "A" FINES

| Offence | Section | Amount |
|--|----------------|---------------|
| Open Burning Without a Residential Campfire Permit | 4(1) | \$500.00 |
| Failure to follow terms and conditions of Residential Campfire Permit | 4(5) | \$250.00 |
| Failure to maintain private roadways, access roads, fire lanes, yards for Fire Services and Emergency vehicle access | 7(4) | \$500.00 |

SCHEDULE "B" – FEES: RESIDENTIAL CAMPFIRE PERMIT

| Permit | Section | Amount |
|-----------------------------|----------------|---------------|
| Residential Campfire Permit | 4(1) | \$15.00 |

SCHEDULE "C"-RESIDENTIAL CAMPFIRE PERMIT

RESIDENTIAL CAMPFIRE PERMIT

Name of Property Owner(s): _____

Civic Address: _____

Phone Number: _____

Email Address: _____

Application 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 Montrose.)

PERMIT CONDITIONS:

By agreeing to these conditions and registering your residential property, you, the permit holder, acknowledge 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 diameter.
- ✓ 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 fire pit must be four 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.
- ✓ 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 Montrose 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, branches, leaves, garbage, construction materials or any other materials which produce heavy black smoke (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 Montrose 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>)

Signature of Permit Holder:

Date Permit Issued: _____ Permit Number: _____

OFFICE USE ONLY:

- Photograph of fire pit
- \$15.00 permit fee paid

Signature of Village Representative: _____

FIRE CHIEF USE ONLY:

Approved YES NO Signature of Fire Chief: _____