

## DISTRICT OF MISSION

### BYLAW 5962-2020

A bylaw to regulate open residential burning  
and recreational fire pits in the District of Mission

NOW THEREFORE the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

#### 1. TITLE

1.1. This Bylaw may be cited for all purposes as "District of Mission Burning Bylaw 5962-2020".

#### 2. INTERPRETATION

2.1. In this bylaw, unless context otherwise requires

"*adult person*" means an individual 19 years of age or older;

"*approved*" means acceptable to the *Fire Chief*;

"*burn*" includes fire and burning;

"*fair ventilation category*" means weather and atmospheric conditions do not meet the parameters for open burning

"*Fire Chief*" means the person appointed by Council as Fire Chief to manage the Fire Rescue Service or his delegate;

"*good ventilation category*" means weather and atmospheric conditions meet the parameters for open burning;

"*nuisance*" has the same meaning as defined in the District of Mission's Good Neighbor Bylaw 5524-2015;

"*order*" means any order or directive, whether written or verbal, given to a person by the *Fire Chief*;

"*permit*" means a document issued by the *Fire Chief* authorizing a person to burn under the terms and conditions specified in the permit;

"*poor ventilation category*" means weather and atmospheric conditions do not meet the parameters for open burning.

"*vegetative debris*" means disturbed or undisturbed vegetative matter targeted for disposal

"*ventilation forecast*" means a daily forecast for the area of the burn as posted on the BC government Air Quality Website;

"*ventilation category*" refers to the atmospheric conditions in the afternoon that affect ventilation as specified by the government of British Columbia for the Fraser Valley area;

"*ventilation index*" means a prediction of atmospheric turbulence and low-level winds as stipulated by the British Columbia government for the Fraser Valley area.

"*yard debris*" means leaves, grass clippings, and cuttings resulting from the pruning of shrubs and trees;

### 3. ADMINISTRATION

#### 3.1. The *Fire Chief* may:

- a) for the purpose of administering and enforcing the provisions of this Bylaw, enter, at all reasonable times, on any real property, and take with them any persons, apparatus or equipment they deem necessary to assess or control or put out a burn;
- b) notwithstanding any other provision of this Bylaw, at any time in their opinion conditions warrant, declare a burning ban or issue an *order*;
- c) issue a *permit* to a person to:
  - I. hold a special occasion, special circumstance, or ceremonial burn (effective 2011 - no charge);
  - II. operate a fire pit provided the person has registered the fire pit in accordance with this Bylaw and paid the \$40 one-time administration fee (effective January 1, 2021 rate - \$40.00)
- d) suspend, cancel or revoke a *permit* if there is a contravention of any of the terms or conditions under which the *permit* was issued.

### 4. APPLICATION

#### 4.1. Minimize *vegetative debris* to be burned:

Prior to a burn of *yard debris*, a resident or *permit* holder shall ensure that every reasonable alternative to burning the debris is considered including compost, reuse, and recycling to minimize the amount of debris to be burned.

#### 4.2. Smoke minimization techniques:

Prior to the burning of *yard debris*, a resident or *permit* holder shall ensure that all reasonable steps have been taken to minimize smoke emission including:

- a) Minimizing any soil content in the debris to be burned;
- b) Constructing a debris pile in a way that maximizes air flow through the pile;
- c) Maximizing the amount of seasoned (dry) yard debris in the pile.

#### 4.3. The provisions of this Bylaw apply to all burns in the District of Mission except:

- a) a burn done under the control of the District of Mission Forestry Department;
- b) a burn done under the control of the District of Mission Fire/Rescue Service;
- c) a burn done under the control of the Royal Canadian Mounted Police;
- d) a burn contained in a fuel burning appliance, stove or fireplace within a building;
- e) a barbecue taking place in an appliance constructed for that purpose;
- f) a burn carried out as part of a plan for community wildfire risk reduction;
- g) a burn carried out as a plan to dispose of diseased *vegetative debris* or a controlled substance;

- h) a burn carried out as part of any emergency planning mitigation strategy or recovery strategy;
- i) a burn within a fire pit provided the fire and its use complies with the provisions of Section 4.4 of this Bylaw.

4.4. Fire pits and their use shall comply with the following:

- a) a fire pit shall be constructed of non-combustible material, enclosed on all sides, and shall have no linear dimension exceeding 1 meter (3.28 feet) or vertical dimension exceeding 0.60 meters (2 feet);
  - I. except for a parcel of land containing a lawful campground use, a fire pit shall not be located closer than 4.6 meters (15.09 feet) to any building, combustible structure, or any type of material or vegetation that may be subject to combustion;
  - II. except for a parcel of land containing a lawful campground use, only one fire pit is permitted on a parcel of land unless otherwise *approved*;
  - III. except for a parcel of land containing a lawful campground use, a fire pit shall only be permitted on a parcel of land containing a dwelling unit;
  - IV. except for a parcel of land containing a lawful campground use, a fire pit shall only be used a maximum of six times per calendar month and only when the *ventilation category* for the day is good;
- b) a *burn* is to be confined to within the fire pit;
- c) only dry wood shall be burned within a fire pit;
- d) an adult person shall attend the pit, or be in close vicinity to the fire pit, at all times during a *burn*;
- e) no person shall continue to *burn* if it is the cause of an unreasonable *nuisance* to the immediate neighborhood because of drifting smoke, ash, or an unpleasant odor;
- f) on a parcel of land containing a lawful campground use it shall be the responsibility of the owner of the land or campground to ensure that fire pits are at a safe distance from any building, combustible structure, or any type of material or vegetation that may be subject to combustion.

4.5. Except during a *burn* ban, declared or ordered under the provisions of Section 3.1(b) of this Bylaw, *yard debris* may be burned from October to April when the *ventilation category* is Good provided:

- a) a *ventilation forecast* is obtained on the day but not before the burning commences;
- b) the forecast is categorized as "Good"
- c) the *burn* starts not earlier than one hour after sunrise;
- d) the *burn* ends by 4 p.m. or two hours before sunset whichever is later;
- e) the property is located outside of the residential refuse collection area;
- f) an *adult person* attends the *burn*, or in close vicinity to it;
- g) the pile of *yard debris* to be burned or being burned does not exceed 1 meter (3.28 feet) in diameter and 1 meter (3.28 feet) in height;

- h) the pile of *yard debris* to be burned or being burned is not located closer than 4.6 meters (15.09 feet) to any building, combustible structure, or any type of material or vegetation that may be subject to combustion;
  - i) the *burn* does not cause an unreasonable *nuisance* to the immediate neighborhood because of drifting smoke, ash or an unpleasant odor;
  - j) the *burn* is limited to *yard debris* derived from the parcel of land on which the *burn* is taking place;
  - k) the appropriate equipment required to prevent the fire from spreading shall be available on site during a *burn*;
  - l) no material defined and prohibited by the BC Waste Discharge Regulation is burned.
- 4.6. The issuance of a *permit* under this Bylaw shall not in any way relieve a person to whom a *permit* has been issued from having to comply with any Act or Regulation of the Province pertaining to a *burn*.
- 4.7. Any resident, tenant, or owner permitted or not by the District of Mission who in the opinion of the *Fire Chief* is burning in manner that is disruptive to neighbors can be declared a *nuisance* and can be subject to Section 19 of the District of Mission *Good Neighbor Bylaw 5524-2016*.

## 5. PROHIBITIONS

- 5.1. Unless provided for in Section 3.1(c), Section 4.3, Section 4.4, Section 4.5, and Section 4.6 of this Bylaw, no person shall *burn* or allow a *burn* to take place;
- 5.2. No person shall *burn* or allow a *burn* to take place at variance with any terms or conditions specified in a *permit*;
- 5.3. No person shall *burn* or allow a *burn* to take place during a *burn* ban declared pursuant to Section 3.1(b) of this Bylaw;
- 5.4. No person shall *burn* or allow the burning of *yard debris* at variance with any of the requirements contained in Section 4.4 of this Bylaw;
- 5.5. No person shall construct a fire pit, or *burn* or allow a *burn* to take place in a fire pit at variance with any of the requirements contained in Section 4.3 of this Bylaw;
- 5.6. No person shall *burn* or allow a *burn* to take place at variance with an *order*;
- 5.7. No person shall interfere with, or obstruct the entry of the *Fire Chief* while acting in the conduct of administering or enforcement of this Bylaw.
- 5.8. No person shall *burn yard debris* or operate a fire pit under a *ventilation category* of “fair” or “poor.”

6. PENALTY

- 6.1. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by this Bylaw is guilty of an offence, and each day that the violation is caused or allowed to continue shall be constituted a separate offence.
- 6.2. Every person who commits an offence under this Bylaw shall be liable on summary conviction to a penalty prescribed in the *Offence Act*.

7. REPEAL

- 7.1. "District of Mission Burning Bylaw 2975-1996" and all amendments thereto, are hereby repealed.

READ A FIRST TIME AS AMENDED this 19<sup>th</sup> day of October, 2020

READ A SECOND TIME AS AMENDED this 19<sup>th</sup> day of October, 2020

READ A THIRD TIME AS AMENDED this 19<sup>th</sup> day of October, 2020

ADOPTED this 2<sup>nd</sup> day of November, 2020

  
\_\_\_\_\_  
MARK DAVIES  
ACTING MAYOR

  
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JENNIFER RUSSELL  
CORPORATE OFFICER

