WHEREAS the Local Government Act, RSBC 2015 Ch. 1 (the “Act”) provides that a regional district may operate any service the board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the Board of Directors of the Fraser Valley Regional District (“Board”) has deemed it necessary and desirable to deliver fire protection services in the Electoral Areas of the Fraser Valley Regional District, or portions thereof;

AND WHEREAS the Board has established, by bylaw, separate fire protection service areas in each of the Electoral Areas of the Fraser Valley Regional District, or portions thereof;

AND WHEREAS the Act provides that the Board may, by bylaw, regulate and prohibit in relation to a regional district service;

AND WHEREAS the Act also provides the Board with special fire protection powers and authorizes the Board to enact certain regulations, by bylaw, subject to the Fire Services Act, RSBC Ch. 144 1996 and regulations thereto (“Fire Services Act”);

AND WHEREAS the Act furthermore provides that the Board may, by bylaw, authorize a Fire Chief or designate, to take necessary measures, as described in the bylaw, to prevent and suppress fires in a manner not contrary to the Fire Services Act;

AND WHEREAS the Board deems it necessary and advisable to establish open fire regulations in order to protect public health and safety and property within established fire protection service areas in the Electoral Areas, or portions thereof;

AND WHEREAS this bylaw may be enforced by means of a ticket and fines in accordance with the Act and the Community Charter, SBC 2003, Ch 26;

THEREFORE the Board of Directors of the Fraser Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited as Fraser Valley Regional District Electoral Area Open Fire Regulations Bylaw No. 1386, 2016.

2. **PURPOSE**

The purpose of this bylaw is to enact open burning regulations allowing for restrictions or prohibitions with respect to open burning in any, or all, of the Electoral Area fire protection service areas during extreme fire conditions in order to protect public health and safety and property.
3. **DEFINITIONS**

"Board" means the Board of Directors of the Fraser Valley Regional District.

"Campfire" means a contained open fire set for the purposes of cooking, warmth, enjoyment or recreational purposes.

"Extreme Fire Conditions" means conditions which have necessitated a ban on open fires as determined by the Province of British Columbia under the *Wildfire Act, SBC 2004, Ch. 31* and regulations thereto.

"Fire Chief" means the member, or designate, appointed by the Board, from time to time, for a term as specified by the Board, as the designated head of each individual volunteer fire department.

"Incinerator" means any container, furnace or other similar devised designed to burn material.

"Occupier" means a tenant, lessee, licensee, or agent of the owner, and any other person who has the right of possession and access to and control of real property, or of a building or premises situated on real property;

"Open Fire" means any fire or burning, including but not limited to campfires, that burns in the open air, or outside a building, whether or not it is completely enclosed in an incinerator, furnace or other device.

"Owner" means a person who has ownership or control of real or personal property and includes:
   a) The registered owner of an estate in fee simple;
   b) The tenant for life under a registered life estate;
   c) The registered owner of the last registered agreement for sale; and
   d) In relation to common property and facilities in a strata plan, the strata corporation.

4. **AREA OF APPLICATION**

This bylaw applies to all properties within established fire protection service areas in each of the Electoral Areas of the Fraser Valley Regional District, except those fire protection service areas established in Electoral Areas A and B.

5. **REGULATIONS**

5.1. **Open Fires**

5.1.1 A person must not light, ignite or maintain an open fire, or cause or permit an open fire to be lit, ignited or maintained in the open air during periods of extreme fire conditions as declared by the Board.

5.1.2 Open fires are permitted only when the Board has not imposed any restrictions or prohibitions with respect to open fires during periods of extreme fire conditions.
5.1.3 When open fires are permitted, they must, from the time they are ignited until they are completely extinguished, be kept under control, at all times, and supervised, at all times, by a person at least 16 years old.

5.1.4 A person who lights, ignites or maintains an open fire, when permitted, must ensure that an effective means of extinguishing the open fire is available immediately adjacent to the open fire at all times while the open fire is maintained.

5.1.5 A person must not obstruct or prevent the Fire Chief or designate from carrying out their duties under this bylaw, or enforcing the provisions of this bylaw.

5.2 Declaration of Open Fire Restrictions or Prohibition

5.2.1 In consultation with the affected Electoral Area Director, the Board may make a determination and declare that extreme fire conditions exist within any, or all of the Electoral Area fire protection service areas, or portions thereof, to which this bylaw applies.

5.2.2 The Board may impose restrictions or prohibitions on open fires during extreme fire conditions and direct the Fire Chief or designate to enforce the provisions of this bylaw.

5.2.3 The Board may make a determination and declare that extreme fire conditions no longer exist within any, or all, of the Electoral Area fire protection service areas or portions thereof, to which this bylaw applies.

5.3 Authority of the Fire Chief and Appointed Officers

In accordance with Section 5.2, the Fire Chief, and any other Officer appointed by the Fire Chief to act on behalf of the Fire Chief may:

5.3.1 By order in writing, restrict or prohibit open burning in a designated fire protection service area, or a portion thereof;

5.3.2 Restrict or prohibit entry into designated areas within a designated fire protection service area where entry may cause a fire, increase the danger of fire, interfere with fire control, or otherwise increase the danger to persons or property from fire;

5.3.3 Enter onto property and inspect premises for conditions that may cause a fire, or increase the danger of fire, interfere with fire control, or otherwise increase the danger to persons or property from fire;

5.3.4 Require owners and occupiers of real property to remove fire hazards, including, but not limited to the extinguishment of open fires and the demolition of buildings or other structures to prevent the spreading of fire;

5.3.5 Deal with any matter within the scope of the Fire Services Act in a manner that is not contrary to that legislation or regulations thereto;
5.3.6 Issue tickets to owners and occupiers of real property who contravene the provisions of this bylaw;

5.3.7 Allow open burning when the Board has determined and declared that extreme fire conditions no longer exist.

5.4 **Notice**

An Order made by the Fire Chief or designate under this bylaw is served by:

5.4.1 Mailing the Order to or leaving it with the person to whom it is directed, or by deposit in the person’s mailbox or receptacle at the person’s residence or place of business; or

5.4.2 Mailing the Order, or otherwise delivering the order to the last known property owner; or

5.4.3 Posting the Order in or near the area to which it applies; or

5.4.4 If the person to whom the Order is directed cannot be found, is not known, or refuses delivery, by posting a copy of the order in a conspicuous place on the premises that is subject to the order.

5.4.5 A person must not deface, remove or destroy an Order that has been made in accordance with this Bylaw.

5.4.6 An Order made under Section 5.3 is effective from the date that the Order is served until such time as the Order is revoked.

6. **EXEMPTIONS**

6.1 This Bylaw does not apply to the normal use of charcoal, gas fired or electric grills and barbecues for the purpose of cooking food or approved gas fueled outdoor fireplaces or heaters.

6.2 This Bylaw does not apply to open air burning set for the purpose of Fire Department “Live Fire” training exercises.

7. **OFFENCES AND PENALTIES**

7.1 A person who contravenes any provision of this Bylaw, or who directs, permits, suffers or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, commits an offence and each day that the offence continues constitutes a separate offence.

7.2 If proceedings are brought under the *Offence Act*, RSBC 1996, Chapter 338, a person convicted of an offence under this Bylaw is liable to pay a fine in the maximum amount established under
the Offence Act, and any further penalties, costs, fines and compensation that may be ordered by the court under the Offense Act or the Act or both.

7.3 Proceedings for a contravention of this Bylaw may be brought under the Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw No. 787, 2006, as amended from time to time, in which case a person who is issued a bylaw notice [ticket] is liable to pay the penalties established under that bylaw for the contravention.

8 **SEVERABILITY**

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

9 **READINGS AND ADOPTION**

READ A FIRST TIME THIS 26th day of July, 2016

READ A SECOND TIME THIS 26th day of July, 2016

READ A THIRD TIME THIS 26th day of July, 2016

ADOPTED THIS 26th day of July, 2016

Chair/Vice-Chair

Corporate Officer/Deputy

10 **CERTIFICATION**

I hereby certify that this is a true and correct copy of Fraser Valley Regional District Electoral Area Open Fire Regulations Bylaw No. 1386, 2016 as adopted by the Board of Directors of the Fraser Valley Regional District on the 26th day of July, 2016. Dated at Chilliwack, BC this 27th day of July, 2016.

Corporate Officer/Deputy