District of SECHELT

BYLAW

Open Air Burning Bylaw
No. 445, 2005

Consolidated for convenience only April 2026

This Consolidation includes the following Bylaw Amendments:
486-1, 2012
486-2, 2015
486-3, 2025

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Services for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SECHELT

Bylaw No. 486, 2012

A Bylaw to Phase in the Regulating of Open Air Burning

WHEREAS the *Community Charter* authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to public health and the protection of the natural environment;

AND WHEREAS the Council of the District of Sechelt wishes to exercise its authority to regulate the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;

AND WHEREAS the Council of the District of Sechelt encourages its citizens to explore all possible options to reduce, reuse, recycle and haul burnable, vegetative waste to an approved disposal site as an alternative to burning which may be harmful to humans, animals and the environment;

AND WHEREAS this bylaw enacts a phase in period for the prohibition of open burning for the purposes of land clearing;

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

1. TITLE

This Bylaw may be cited for all purposes as "District of Sechelt Open Air Burning Bylaw No. 486, 2012."

2. DEFINITIONS

In this Bylaw:

Building means any structure used or intended to be used for supporting or sheltering any use or occupancy.

Bylaw Enforcement Officer means the person duly appointed by Council to enforce the Bylaws of the District of Sechelt, or any person acting under his or her direction.

Campfire means a fire that burns clean, dry wood only and which does not exceed one metre in diameter and one metre in height, contained within a fire pit or approved incinerator.

Ceremonial Fire or Bonfire means an outdoor fire, larger than three feet by three feet by three feet (3'x3'x3') which is used for entertainment purposes as part of a scheduled public, religious or private event and, except as provided for herein, excludes the burning of leaves, grass or shrubbery clippings or cuttings.

Construction Waste means waste materials resulting from the construction, alteration, renovation or demolition of any building, structure or improvement to land and includes but is not limited to drywall and wood materials, particle board, paper, plastic, roofing materials and paint.

Demolition Waste means any abandoned building or the material resulting from the destruction or tearing down of any building, whether partial or complete.

Fire Department means the Sechelt Fire Department.

Fire Chief means the Fire Chief of the Sechelt Fire Department.

Garden Refuse means grass or other clippings, leaves, tree and shrub pruning, cuttings, and similar materials being waste from garden growth.

Garbage means all materials discarded as waste, but not including recyclables or Garden Refuse.

Land Clearing Waste means natural wood or vegetative waste generated by the clearing of land and originating from the subject property.

Outdoor Fire/Open Air Burning means 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. Every fire that burns in the open air whether or not it is completely enclosed in an incinerator, furnace or other device, but does not include a campfire for cooking or warmth or barbecue or fire for ceremonial purposes, where all regulations of the Sechelt Fire Protection District (Fire Department) and Ministry of Environment and the Ministry of Forests are observed.

Toxic Materials includes rubber tires, tar, asphalt, batteries, electrical wire insulation, various plastic compositions, fuel and lubricant containers, animal waste and all similar substances which produce heavy black smoke.

3. PROVISIONS

(1) Burning Prohibitions

(a) No person shall start, permit an Outdoor Fire or maintain Open Air Burning whether within an incinerator or otherwise for the burning of:

1. Toxic Materials
2. Garbage
3. Construction Waste
4. Demolition Waste
5. Garden Refuse

(2) Land Clearing

(a) The Open Air Burning of Land Clearing Waste is permitted until January 1, 2014, where the Land Clearing Waste has been brought to one or more areas of the property by machine, and the burning is being done:

(i) with a valid permit issued on authority of the Sechelt Fire Department for compliance with fire safety; and

(ii) in compliance with the *Environmental Management Act Open Burning Smoke Control Regulation*, in environmental conditions consistent with parameters set out by the Ministry responsible for environmental conditions as determined by the Ventilation Index, or any other statutory requirements of the Province of B.C. or the Government of Canada.

(b) On January 1, 2014 Section 2 of this bylaw shall no longer apply.

(3) Clearances

No person shall set out, start or kindle Open Air Burning:

(a) within 10 metres of any Building, structure, fence or hedge;

(b) within 10 metres of any stream;

(c) exceeding 1.5 metres in height and 2 meters in diameter;

(d) within 500 metres of schools in session, hospitals and facilities used for continuing care as defined under the *Continuing Care Act;*

(e) within 30 metres of any public roadway and/or District of Sechelt Airport; or

(f) within 10 metres of any power poles and power lines.

(4) Fire Department Practice Burns

Notwithstanding Section 3(1) of this bylaw, the Fire Department may conduct practice burns on two properties per year for the purpose of training volunteers.

(5) Campfire

(a) No person shall set out, start or kindle a fire for the purposes of having a campfire if such a fire:

1. exceeds 1 metre in height and 1 meter in diameter;
2. creates a smoke or spark nuisance to neighbouring properties; or
3. contravenes any Federal, Provincial or Fire Department regulations respecting open air burning.

(b) Campfires shall be contained in a fire pit or approved incinerator, clear of overhanging foliage, have access to a water hose and be tended by someone 18 years of age or older.

(6) Ceremonial Fire

(a) No person shall set out, start or kindle a fire for ceremonial purposes which contravenes regulations of the Fire Department, or Province of B.C. rules and regulations respecting open air burning.

4. ENFORCEMENT

(a) The Bylaw Enforcement Officer or designate, may require any person to extinguish open air burning which has been set out, started or kindled in breach of any provision, condition or restriction of this bylaw.

(b) Subject to the requirements of the *Community Charter*, the Bylaw Enforcement Officer is empowered to enter at all times any property where he or she believes, or has reason to believe, an offense under this bylaw is being committed, and to use any method he or she deems necessary to extinguish any fire he or she may find thereon.

5. OFFENCE

(a) Any person who contravenes any of the provisions of this bylaw commits an offence and is subject to fines as per the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012, and its amendments.

(b) Any person who contravenes any of the provisions of this bylaw commits an offence punishable upon summary conviction pursuant to the Offence Act and is liable to a fine of not more than $10,000.00 or to imprisonment for not more than six months, or both. Each day that an offence continues shall constitute a separate offence.

6. SEVERABILITY

The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of the bylaw.

7. TRIAL PERIOD

The provisions related to Open Air Burning of Garden Refuse contained herein shall be reviewed in two calendar years from the date of adoption of the bylaw.

8. REPEAL

District of Sechelt Burning Bylaw No. 446, 2005 and all amendments thereto are hereby repealed.

READ A FIRST TIME THIS	18th	DAY OF	July, 2012
READ A SECOND TIME THIS	18th	DAY OF	July, 2012
READ A THIRD TIME THIS	18th	DAY OF	July, 2012
ADOPTED THIS	1st	DAY OF	August, 2012

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Mayor Acting Corporate Officer