

Guide to Fire Regulation Bylaw No.2



Capital Region Electoral Area
Fire Departments

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Electoral Area Fire Protection

The CRD provides fire protection services in many Electoral Area communities through a network of commissions, societies, and service contracts. Most fire department members are volunteers from within the communities they serve. Improvement Districts provide fire service on Salt Spring Island, Mayne Island, and Piers Island. These services operate independently of the CRD.

Municipal Fire Protection

Municipalities are responsible for provision of fire protection through their local fire departments.

CRD Fire Dispatch

The CRD provides emergency fire dispatch for Juan de Fuca, Salt Spring Island, Southern Gulf Islands, Metchosin, Sooke, and Highlands.



Introduction

The CRD has new and improved open burning regulations. These take effect in April 2023, and apply only in Electoral Area CRD Fire Service Areas.

Understanding what's new for Fire Regulation #2

- Better alignment with provincial regulations related to fire prevention and forest protection
- Enhanced autonomy for fire departments to implement or rescind fire prevention measures within their defined service areas
- Improved clarity around permit and enforcement programs
- Introduction of permits for outdoor wood-burning appliances

This guide is designed to help with the interpretation of Bylaw No. 4489, **CRD Fire Regulation Bylaw No.2, 2022**, and contains information specific to:

- Communities affected by the bylaw
- Explanation of the fire danger rating system
- Categories of open fires (campfires, category 2 and 3 open fires)
- Outdoor wood-burning appliances (chimineas, pizza ovens, wood-burning hot tubs)
- Industrial and high-risk activities
- Prohibited materials
- Powers of fire chiefs
- Enforcement of the bylaw (approaches and tools)



Application of Fire Regulation No.2

CRD Fire Regulation Bylaw No.2 is applicable in specified fire protection service areas within the Juan de Fuca and Southern Gulf Island electoral areas.

Juan de Fuca communities with CRD fire protection areas include:

- Willis Point
- Otter Point
- East Sooke
- Shirley
- Port Renfrew

Southern Gulf Islands with CRD fire protection services areas include:

- Pender Island
- North Galiano Island
- South Galiano Island
- Saturna Island

This bylaw does not apply to First Nation communities, municipalities, or improvement districts within the CRD.

In communities without a formal fire department, open burning is regulated by the Province of BC through the Coastal Fire Centre.

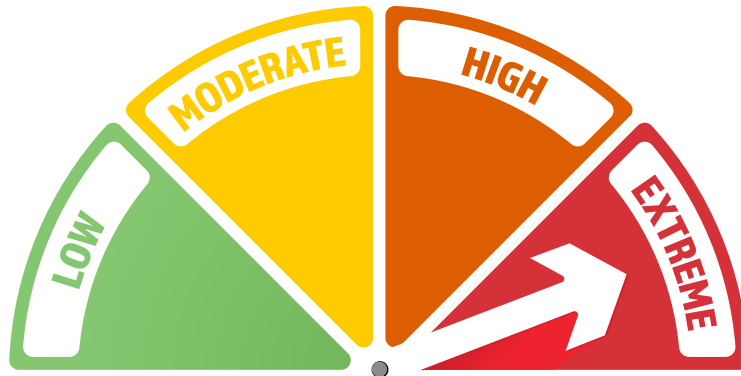


How is the Fire Danger Rating Determined?

The weather significantly impacts how wildfires start, how aggressively they spread and how long they burn. By referencing provincial and federal weather stations in your local area, fire chiefs, or designates, will determine the appropriate fire danger rating.

The [BC Wildfire Service and Parks Canada](#) operate fire weather stations, which send hourly reports. These observations, supplemented by data from other agency stations, support fire weather forecasting.

This information is used for making fire prevention, preparedness and suppression, and other general fire management decisions.



Fire Danger

In case of fire call 911



Low:

Fires may start easily and spread quickly but there will be minimal involvement of deeper fuel layers or larger fuels.



Moderate:

Forest fuels are drying and there is an increased risk of surface fires starting. Carry out any forest activities with caution.



High:

Forest fuels are very dry and the fire risk is serious. New fires may start easily, burn vigorously, and challenge fire suppression efforts. Extreme caution must be used in any forest activities. Open burning and industrial activities may be restricted.



Extreme:

Extremely dry forest fuels and the fire risk is very serious. New fires will start easily, spread rapidly, and challenge fire suppression efforts. General forest activities may be restricted, including open burning, industrial activities and campfires.



General Fire Safety Regulations



Establish a fuel break around Category 2 or 3 burn or **fire guard** around with a campfire.



Ensure someone is **continuously monitoring the fire** so it does not spread beyond its intended size. At least one person must watch the fire at all times and be equipped with a firefighting hand tool, at least 8 litres of water, or ready access to water.



Determine if any **restrictions or prohibitions** for the service area before igniting an open fire, undertaking an industrial activity, using a solid fuel appliance or igniting a fire in an incinerator.



Ensure the fire is **authorized or permitted** by the landowner.



Ensure the fire is **completely extinguished** before leaving the area.



Categories of Open Fires

The CRD covers a large and geographically diverse area. Therefore, decisions on when and where to implement fire bans and restrictions are to be made by the fire chiefs appointed to defined fire protection areas.

Multiple factors are considered when assessing wildfire hazards and deciding whether to implement an open fire ban, including current and forecasted weather conditions and the availability of firefighting resources.

Knowing your category before you burn.



Campfires



Category 2



Category 3

Campfires



- A campfire is any fire smaller than 0.5 metres high by 0.5 metres wide.
- Any person may use a campfire for recreational purposes or by a First Nation for ceremonial purposes.

Regulations

- CRD Fire Regulation Bylaw 2 is the regulation to be administered by fire chiefs and followed by persons who ignite a campfire campfire operators. A campfire ban or restriction implemented within the Coastal Fire Centre in the surrounding area of a CRD fire service area does not automatically apply within the defined CRD fire service area. It is the discretion of the fire chief, or fire chief's designate to follow, or not follow any campfire bans or restrictions that have been applied or rescinded by the Coastal Fire Centre.

Permit Requirements

- Generally, a permit for a campfire is not required. However, the fire chief, or fire chief's designate, has the discretion to establish or rescind permit requirements for campfires within their defined fire service area.
- It is not recommended to charge a fee for a campfire permit.

Setbacks

- At least 7.5 metres from any building, structure, fence or property line.
- At least 3 metres from any trees, shrubs, structures and debris.

Campfires

- Obtain a permit from the fire department when required for the service area.
- Avoid having a campfire when it's windy.
- Never leave a campfire unattended for ANY amount of time.
- Never use a campfire for the disposal of domestic waste or prohibited materials.
- Never ignite a campfire if a campfire ban is in place.

Enforcement

- A fire chief, or fire chief's designate, is responsible for enforcing campfire regulations within their service area.
 - Educating people on campfire safety and current restrictions is key to gaining compliance. Issuing warnings or Municipal Ticket Information should always be a last resort.
-

Category 2 Fire



- A Category 2 fire is larger than a campfire and used for disposing of vegetative debris.
- This category refers to open fires, other than a campfire, that burn:
 - Material in one pile not exceeding 2 metres in height and 3 metres in width.
 - Material concurrently in two piles, each not exceeding 2 metres in height and 3 metres in width.
 - Stubble or grass over an area that does not exceed 0.2 hectares.

Regulations

- CRD Fire Regulation Bylaw No. 2; and the [Provincial Open Burning Smoke Control Regulation \(OBSCR\)](#), are to be followed, where applicable.

Open Burn Smoke Control Regulations (OBSCR)

The following vegetation size exemptions for agricultural or domestic purposes apply.

- If all the vegetative debris is under 3 cm in diameter, an operator is exempt from the OBSCR.
- If all vegetative debris is between 3 cm and 10 cm in diameter, the operator is exempt from most sections of the OBSCR with the following conditions:
 - The collected debris is from within 5 km of the burn site and there are no burn bans.

Note: A fire chief, or fire chief's designate, does not have the discretion to exempt the requirements to follow the Open Burning Smoke Control Regulation except under specified circumstances (e.g. FireSmart activities).

Permit Requirements

- Generally, a permit for a Category 2 fire is required. However, fire chief or fire chief's designate has the discretion to establish or rescind permit requirements for Category 2 fires within their defined fire service area.
- It is not recommended to charge a fee for a Category 2 fire permit.

Setbacks

- At least 10 metres from any building, structure, fence, tree or hedge or property line.

Fire Operators

- Obtain a permit from the fire department if required for the service area.
- Ensure that every reasonable alternative for reducing, reusing or recycling the vegetative debris is used to minimize the amount being open burned.
- If required, follow the Open Burning Smoke Control Regulation, including the [Venting Index for Southern Vancouver Island](#) and the [Information Fact Sheet for All Open Burners](#).
- Avoid conducting an open fire when it's windy.
- Choosing a proper location.
- Do not burn green debris or leaves.
- Do not use an open fire for the disposal of domestic waste or prohibited materials.
- Never leave an open fire unattended.
- Never ignite a campfire if a ban has been established by the fire chief or fire chief's designate.

Enforcement

- A fire chief, or fire chief's designate, is responsible for enforcing Category 2 fire regulations within their service area.
 - It is recommended to focus on education for Category 2 Fire operators. Warnings and Municipal Ticket Information should be a last resort.
 - It is the responsibility of the BC Conservation Officer Service to enforce the Open Burning Smoke Control Regulation.
-

Category 3 Fire



- A Category 3 fire is required year-round. This category means an open fire that burns:
 - material concurrently in 3 or more piles each not exceeding 2 metres in height and 3 metres in width
 - material in one or more piles each exceeding 2 metres in height or 3 metres in width
 - one or more windrows (row of cut hay or small grain crop)
 - stubble or grass over an area exceeding 0.2 hectares

Regulations

Open Burn Smoke Control Regulations (OBSCR)

- If all of the vegetative debris open burned is branches or other pieces of vegetative debris, with or without leaves, of which at least some of the individual branches or pieces are 10 cm or greater, the Open Burning Smoke Control Regulation applies.
- Note: A fire chief, or fire chief's designate, does not have the discretion to exempt the requirements to follow the Open Burning Smoke Control Regulation except under specified circumstances (e.g. FireSmart activities).

Permit Requirements

- A permit for a Category 3 fire is required year-round. A fire chief, or fire chief's designate, does not have the discretion to rescind permit requirements for Category 3 fires within their defined fire service area.
- It is not recommended to charge a fee for a Category 3 permit.

Setbacks

- The Open Burning Smoke Control Regulation prescribes setbacks for Category 3 Fires.
 - In the unlikely event where there is an exemption to the Open Burning Smoke Control Regulation. The minimum setbacks are 15 metres from any building, structure, fence, tree or hedge.
-

Fire Operators

- Obtain a permit from the fire department.
- Obtain a Burn Registration Number from the BC Wildfire Service 1-888-797-1717.
- Ensure that every reasonable alternative for reducing, reusing or recycling the vegetative debris is used to minimize the amount of the vegetative debris to be open burned.
- Follow the Open Burning Smoke Control Regulation, including the [Venting Index for Southern Vancouver Island](#) and the [Information Fact Sheet for All Open Burners](#).
- Avoid conducting an open fire when it's windy.
- Choose a proper location.
- Do not burn green debris or leaves.
- Do not use an open fire for the disposal of domestic waste or prohibited materials.
- Never leave an open fire unattended.
- Never ignite a Category 3 fire if a prohibition has been established by the fire chief, or fire chief's designate.

Enforcement

- A fire chief, or fire chief's designate, is responsible for issuing and rescinding permits for Category 3 fires.
 - It is recommended education be the main focus of enforcement with warnings or Municipal Ticket Information the last resort.
 - The BC Conservation Officer Service enforces the Open Burning Smoke Control Regulation.
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Outdoor Solid Fuel (Wood-Burning) Appliances

Before installing, erecting, or operating a solid fuel appliance, a property owner or occupant should check with the fire department for any permit requirements and restrictions for the service area.

Incinerators

Before installing, erecting, or operating an Incinerator, a property owner or occupant should check with the fire department for any permit requirements and restrictions for the service area.

Permits

Except for a campfire, permits are usually required for all open fires, incinerators, and solid fuel appliances. Before lighting or igniting any open fire, a property owner or occupant should check with the fire department for any permit requirements, restrictions or bans in place for the service area.

A fire chief, or fire chief's designate, can rescind or re-institute a permit requirement for any type of open fire, including within all or a portion of their service area.

They may also institute or rescind a permit requirement for campfires in all or part of a portion of their service area where, in their opinion, the institution of permit requirements is necessary, but a ban is not yet appropriate.

Agricultural Burning

Farmers may use open burning to control crop residues as a management tool in grass seed production and in the control of weeds, residue and brush on pasture, range and non-crop areas such as right-of-ways, ditches and dyke banks. Burning is also done to dispose of orchard and vineyard prunings, tree stumps, spoiled hay and straw, diseased crop material, and brush piles from land which has been cleared.

As a general rule, before any open burning is carried out, all farmers should check with local authorities to determine if there is a bylaw that affects agricultural burning activities. If a local burning ban is in place, the ban takes precedence over any Open Burning Smoke Control Regulation exemptions.

The following links will redirect you to the BC government website:

[Farm Practice and Burning](#)

[Farm Practice and Land Clearing](#)

[Open Burning Smoke Control Regulation](#)

Prohibited Materials

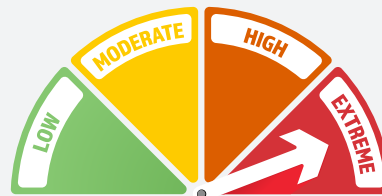
Never burn garbage or construction debris. It is illegal unless specifically authorized as it releases toxic chemicals in the air. Effects of these toxins include cancer, lowered immunity, disorders of the nervous system, and interfere with childhood development. Reduce waste and recycle instead.

CRD Fire Regulation No.2, 2022 specifically prohibits the burning or incineration of the following materials:






- Rubber, tires, plastic materials, or polystyrene foam
- Fibreglass or other fibre-reinforced materials
- Asphalt or asphalt products or tar paper
- Construction materials, drywall or demolition waste
- Carpets, furniture, appliances or domestic waste
- Railway ties
- Treated lumber or wood products
- Manure, animal carcasses or waste from animal slaughtering
- Paint, varnish, used oil, or fuel or lubricant containers
- Batteries or electrical wire
- Biomedical or other hazardous waste

Industrial and High-Risk Activities

Fire watch, early shift or
cease high-risk activity
(shutdown)



Fire Danger
In case of fire call 911

Fire Danger Class	Worker Restrictions	Duration
 <p>After 3 consecutive days of MODERATE fire risk</p>	<ul style="list-style-type: none"> Workers must maintain a 1-hour FIRE WATCH with appropriate firefighting tools 	<ul style="list-style-type: none"> Until after the fire danger fall below MODERATE
 <p>Once a HIGH fire risk begins</p>	<ul style="list-style-type: none"> FIRE WATCH increases to 2-hours 	<ul style="list-style-type: none"> Until after the fire danger fall below MODERATE
 <p>After three 3 days of HIGH fire risk</p>	<ul style="list-style-type: none"> EARLY SHIFT (cease HIGH-RISK activities by 1 p.m.) FIRE WATCH remains at 2-hours 	<ul style="list-style-type: none"> Until after the fire danger fall below MODERATE for 2 consecutive days or falls below MODERATE
 <p>Once a EXTREME fire risk begins</p>	<ul style="list-style-type: none"> EARLY SHIFT FIRE WATCH remains at 2-hours 	<ul style="list-style-type: none"> Until after the fire danger falls below HIGH for 2 or more consecutive days
 <p>After 3 days of EXTREME fire risk</p>	<ul style="list-style-type: none"> CEASE HIGH-RISK activity in the forest and grassland (shutdown) 	<ul style="list-style-type: none"> Until after the danger class falls below EXTREME for 3 or more consecutive days or falls below HIGH

High-risk activities

- Mechanical brushing (example: industrial scale brushing)
- Disk trenching (example: mechanical preparation of logged site)
- Preparation or use of explosives (example: blasting)
- Using fire- or spark-producing tools, including cutting tools (example: cutting torches, and metal grinders)
- Using or preparing fireworks or pyrotechnics (example: fireworks display)
- Grinding, including rail grinding (example: angle grinder)
- Mechanical land clearing (example: excavator or skidder logging or digging out stumps)
- Clearing and maintaining rights of way, including grass mowing (example: commercial right of way mowing; BC hydro brushing. Not residential lawn mowing)

Any of the following activities carried out in a cutblock excluding a road, landing, roadside work area or log sort area in the cutblock.

- Operating a power saw (example: cutting firewood off a road in a combustible area)
- Mechanical tree felling, woody debris piling or tree processing, including de-limbing (example: logging activity or cutting firewood off a road in a combustible area)
- Welding (example: any welding off a road)
- Portable wood chipping, milling, processing or manufacturing (example: these activities when done outside of an industrial worksite within a fire protection district)
- Skidding logs or log forwarding unless it is improbable that the skidding or forwarding will result in the equipment contacting rock (example: logging activity)
- Yarding logs using cable systems (example: any logging activity that uses cable yarding equipment)

What is early shift, and when does it start?

- **WHAT:**
Early shift means all high-risk activities must stop by 1 p.m.
- **WHEN:**
After 3 consecutive days of HIGH all high-risk activities must cease by 1 p.m.
- **HOWEVER:**
After 3 consecutive days of EXTREME cease all activities.

What is a fire watcher?

- A person who, in accordance with subsection (3) (a) and Schedule 3, is required to maintain a fire watcher. The fire watcher must ensure:
- Can reasonably see the site of the high-risk activity during the time the fire watcher is required.
- Has at least one firefighting hand tool.
- Actively watches and patrols for sparks and fires on the site of the high-risk activity.
- Immediately carries out fire control and extinguishes the fire, if practicable.
- Has the means on-site to report the fire.



Exemptions in the Bylaw and Powers of a Fire Chief

This bylaw does not apply to a:

- Fire used for the training of firefighters.
- Burn carried out by or under the direction of the BC Wildfire Service.
- Burn authorized by the fire chief to reduce fuel build-up or decrease a fire hazard.

The fire chief is authorized to administer and enforce this bylaw within their service area and may also:

- Enter on the property and inspect the premises to determine if the bylaw provisions are being met.
- Take measures to prevent or suppress the spread of open fires.
- Issue orders directing the owners or occupiers of premises to bring open fires into compliance with this bylaw or with a permit under this bylaw.
- Issue permits for open fires, solid fuel appliances and incinerators under this bylaw, and impose such conditions, restrictions and requirements as the fire chief, or fire chief's designate, deems to be warranted to avoid the creation of a hazard or nuisance, due to weather, wind or other circumstance related to fire safety.
- In writing, refuse to issue a permit for an open fire, solid fuel appliance or incinerator if, in the opinion of the fire chief or fire chief's designate, the proposed activity is likely to create a hazard or nuisance because of adverse weather, wind or other circumstance;

- Suspend or cancel a permit, and impose conditions on resuming activity that was suspended, if:
 - the fire chief, or fire chief's designate, believes the permitted activity cannot be carried out safely or without creating a nuisance due to changes in weather, wind or other circumstances related to fire safety changing since permit issuance, or is not being carried out safely or in accordance with permit conditions, an order under paragraph (c), a provision of this bylaw, or another applicable enactment; or
 - the fire chief, or fire chief's designate, has received a complaint in relation to the emission of smoke, sparks, ash, soot, cinders or fumes and considers that fire extinction or control measures are warranted to address a nuisance or undue irritation or annoyance to other persons.
- Impose additional conditions or restrictions on any permit or class of permits if, in the opinion of the fire chief or fire chief's designate, weather, wind or other circumstances related to fire safety have changed since the issuance of the permit, and the conditions or restrictions are required to address the changed circumstances;
- Authorize an open fire to reduce fuel build-up or decrease a fire hazard;
- Restrict or prohibit any open fire, and impose a ban on all open fires for a period of time (including open fires for which permits have been issued) if the fire chief considers the fire danger rating warrants the restriction, prohibition or ban;
- Restrict or prohibit any Industrial activity if the Fire Chief considers the restriction or prohibition is necessary due to weather, wind or other circumstance related to fire safety;
- Where, in the opinion of the fire chief, or fire chief's designate, an incinerator or solid fuel appliance is likely to create or become a fire hazard due to damage, deterioration, lack of maintenance, construction or location, or due to adverse, weather, wind or other circumstance related to fire safety, the fire chief, or fire chief's designate, may order the owner to alter, renovate, repair or relocate the incinerator or solid fuel appliance, or discontinue its use.



Enforcement – Approaches and Tools

Public education is the preferred approach for enforcement of this bylaw over penalties. On an escalating basis, and depending on the severity of any infraction, a fire chief, or fire chief's designate, has both the discretion and authority to administer warnings or fines within the scope of the bylaw. This can include rescinding of a permit.

The typical order of approach for addressing concerns and issues as follows:

- Education
- Issuance of warning document
- Rescinding of permit
- Issuance of [Municipal Ticket Information](#)

An exception is the application of the Open Burning Smoke Control Regulation which is enforced by the BC Conservation Officer Service.

An operator of a Category 3 open Fire can and should expect:

- Fire chief, or fire chief's designate, requesting the operator correct the infraction.
- If the infraction is not corrected, the permit may be rescinded.
- If the operator continues to burn without a valid permit the fire chief, or fire chief's designate, may issue Municipal Ticket Information and notify the BC Conservation Officer Service.

Appendix A - Summary Example

Summary of prohibited activities, restrictions and permit requirements



Permitted/
unrestricted



Bans and
restrictions apply
to some areas
(check with local fire
department)



Permit
required



Ban or prohibition
in effect

October 1, 2022	Fire Danger Rating	Campfires 	Category 2 Fires 	Category 3 Fires 	High-Risk Industrial Activities
Juan de Fuca					
East Sooke	EXTREME				
Otter Point	EXTREME				
Port Renfrew	EXTREME				
Shirley	EXTREME				
Willis Point	EXTREME				
Southern Gulf Islands					
Pender Island	EXTREME				
Galiano (North)	EXTREME				
Galiano (South)	EXTREME				
Saturna Island	EXTREME				
Coastal Fire Centre					

Appendix C - FAQ

Frequently Asked Questions During Restricted High-Risk-Activity Day

Can residents mow their lawn?

Yes. If the lawn is green and requires cutting, and has been irrigated, it is fire-resistant. If residents want to mow their lawn when it is dry and dead, we recommend holding off or using preventative measures such as pre-wet and post-wet lawn; and remaining on-site after mowing to watch out for smouldering fires. Have a garden hose nearby and a way to contact 9-1-1.

Can residents use a weed eater?

Using the same principles as lawn mowing, but extra precautions should be discussed with the fire department if using metal disk blades.

Can farmers hay their fields?

Yes. However, during a shutdown, there may be special fire prevention measures required. If not a critical job, we suggest holding off haying until the fire danger decreases. There are irrigated fields that are fairly safe to hay even, in extreme conditions.

Is excavating a high-risk activity?

Not as long as the excavation is being done on rock, dirt or mineral soil. Examples of excavating could be construction-sites, septic tanks, driveway work, etc. Excavating doesn't include land clearing.

Can residents use a chainsaw on a landing?

Chainsaw use is only permitted on non-combustible surfaces during shutdown, such as green grass, gravel, dirt, and roadway.

Is drilling a high-risk activity?

No. Contractors can drill in rock under no restrictions. Blasting is only permitted in early shift or regular shift.

However, no blasting is permitted during shutdown. Summary of prohibited activities, restrictions and permit requirements

Appendix D - General Fire Safety Regulations

Before lighting a fire, even if the burn category is not currently prohibited, make sure you are prepared, aware of the conditions and following open burning regulations:



Establish a fuel break around your Category 2 or 3 burn or **fire guard** around your campfire.



Ensure someone is **continuously monitoring the fire** so it does not spread beyond its intended size. At least one person must watch the fire at all times and be equipped with a firefighting hand tool, at least 8 litres of water, or ready access to water.



Check whether the fire department has issued any **restrictions or prohibitions** for the service area before igniting an open fire, undertaking an industrial activity, using a solid fuel appliance or igniting a fire in an incinerator.



Ensure the fire is **authorized or permitted** by the landowner.



Ensure the fire is **completely extinguished** before leaving the area.



Call the fire department if the fire spreads beyond the burn area or is out of control. The person must also attempt to control the spread and extinguish the fire and comply with all directions of the Fire Chief.

Appendix E - Fire Danger Rating

What is a local fire hazard, what does it mean, and how is it determined?

The weather significantly impacts how wildfires start, how aggressively they spread and how long they burn. This is why it's important to find out your area's fire danger rating and other information about fire weather.



**Know your
fire area**



**Understand your
rules in place**



**Know your
category**

The BC Wildfire Service operates about 260 weather stations, which send hourly reports. These observations, supplemented by data from other agency stations, support fire weather forecasting.

This information is used for making fire prevention, preparedness and suppression, and other general fire management decisions.



Captial Region Electoral Area
Fire Departments