



## STAFF REPORT

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**DATE:** July 14, 2023 **FILE:** 0550-04 Board

**TO:** Chair and Directors  
Regional Board

**FROM:** David Leitch  
Chief Administrative Officer

**RE:** CORTES ISLAND OPEN BURNING BYLAW

### PURPOSE/PROBLEM

To consider further information in relation to the proposal for a bylaw to regulate burning activity on Cortes Island.

### EXECUTIVE SUMMARY

At the June 28, 2023 Regional Board meeting the following resolution was passed.

Vonesch/Davis: SRD 599/23

THAT staff prepare an open burning bylaw for Electoral Area B for the Board's consideration.

The impetus for looking into this matter resulted from the Province of BC downgrading the wildfire risk status for much of the BC west coast and without consideration of wildfire risk conditions specific to Cortes Island which, at the time, remained high. Since that time the wildfire risk status has been increased for Cortes Island and further restrictions on open burning have been imposed.

The legal authority to regulate burning activity on private property is conferred on regional districts by the *Local Government Act* and is limited to those areas for which a fire protection service has been established. In the case of Cortes Island, the fire protection service applies to the area shown on the attached map. Outside of these boundaries the Regional District has no authority to regulate open burning or enact other fire protection regulations.

The extent to which a bylaw regulates open burning activity will determine the process to be used when enforcement activities are required. This raises the question whether the intent is to regulate open burning activity using a system of permits or whether restrictions will be absolute when in place. Also, whether burning regulations would differentiate between different types of open burning activity, such as backyard fire pits, beach fires and slash pile burning, which may have different standards with respect to public safety and support, will also influence the specific regulations being imposed. While the costs associated with the regulation of burning activities are typically not onerous, this would depend on the service level and the amount of time needed to monitor the factors associated with burning activity. There will likely also be costs related to public education and prevention initiatives. All costs associated with the regulation of burning activity would be the responsibility of the fire protection service.

While the *Local Government Act* permits the Regional Board to delegate its authority, such authority may only be delegated to officers, employees or elected officials of the Regional District,

or a body established by the Board. Since the fire chief for Cortes Island is not an officer or employee of the Regional District, nor is the fire department a body internal to the Regional District, the ability to enact fire bans, partial fire bans, or to lift such restrictions may not be a practical solution for Cortes Island. This is an area where additional research by legal counsel may be needed if the intent is to have local control over such matters.

In summary, in order to prepare a draft bylaw for consideration by the Regional Board, it will be necessary to determine the following:

- which types of open burning activity are intended to be regulated by the bylaw?
- will the burning restrictions be managed and enforced using a system of permits?
- how is it intended that enforcement of burning restrictions would be managed?

**ALTERNATIVES**

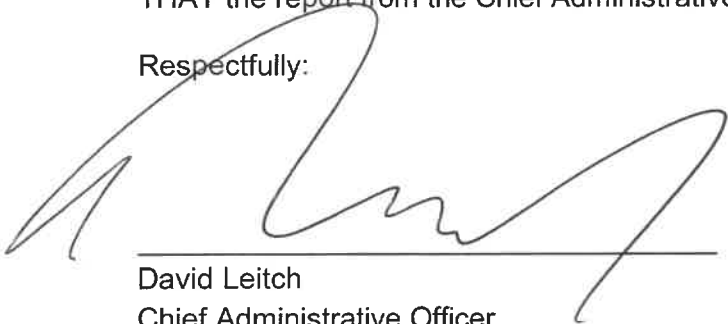
Option A – THAT further research be done regarding the proposal to prepare an open burning bylaw for Cortes Island following which a report be prepared for the Board’s consideration.

Option B – THAT no further efforts be made at this time to prepare an open burning bylaw for Cortes Island.

**RECOMMENDATION**

THAT the report from the Chief Administrative Officer be received.

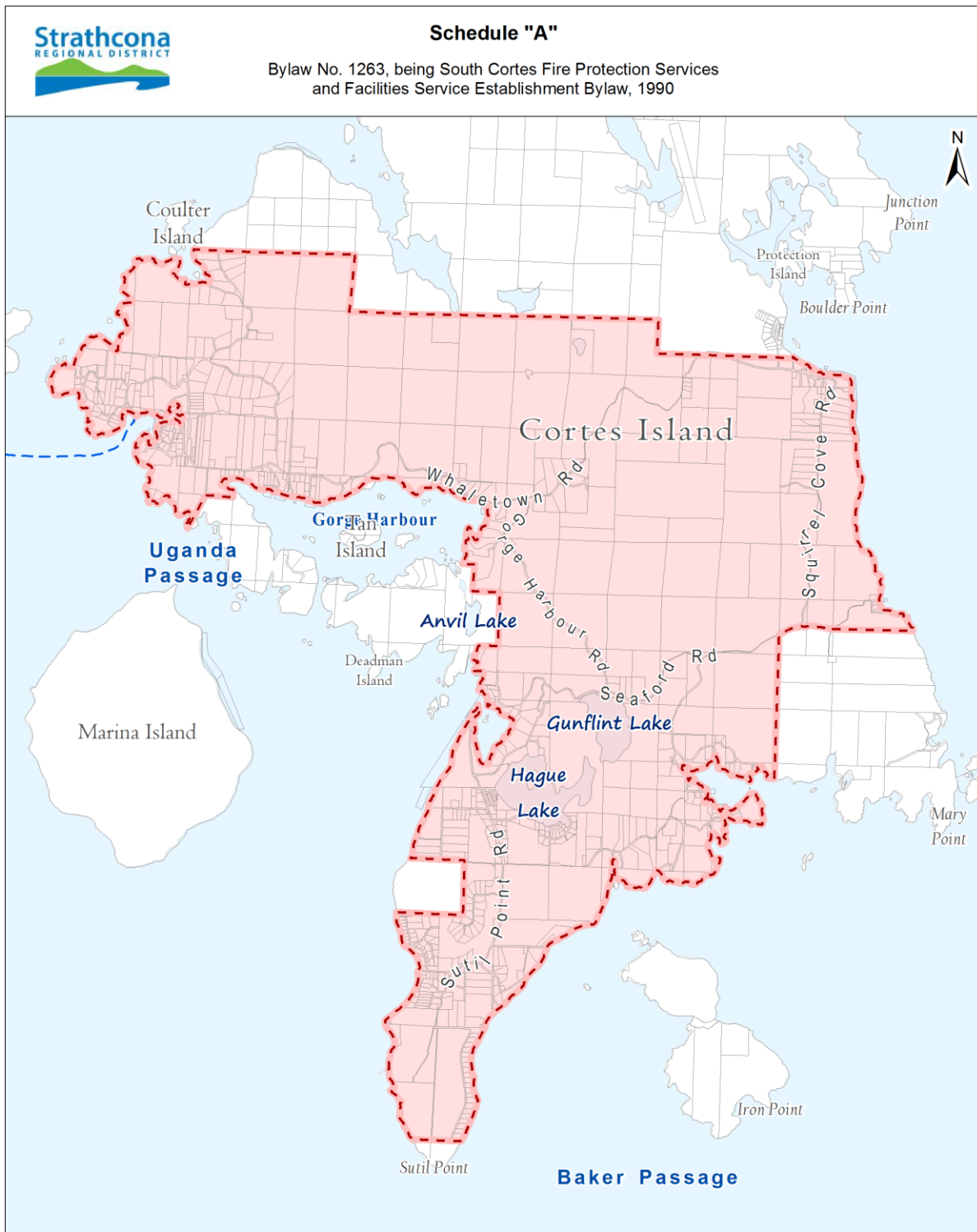
Respectfully:



David Leitch  
Chief Administrative Officer

**Prepared by:** S. Koopman – Protective Services Coordinator

Attachment: Map of South Cortes Fire Protection Area



**Bylaw Revisions:**  
Bylaw 2645 – May 31, 2004