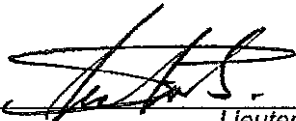


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **194**, Approved and Ordered **MAR - 5 2009**

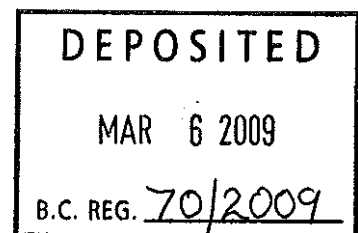


Lieutenant Governor

Executive Council Chambers, Victoria

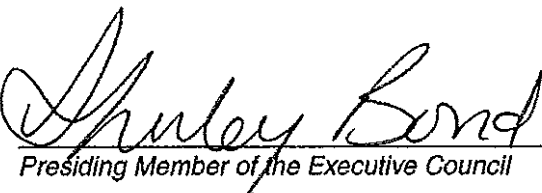
On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) sections 33 and 35 of the *Forest and Range Statutes Amendment Act, 2008*, S.B.C. 2008, c. 4 are brought into force, and
- (b) the Wildfire Regulation, B.C. Reg 38/2005, is amended as set out in the attached schedule.





Minister of Forests and Range



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Forests and Range Statutes Amendment Act, 2008*, S.B.C. 2008, c. 4, s. 36,
Wildfire Act, S.B.C. 2004, c. 31, ss. 4 and 69

Other (specify):- OIC 94/2005

February 10, 2009

R/136/2009/22

SCHEDULE

1 The Wildfire Regulation, B.C. Reg. 38/2005, is amended by adding the following sections:

Prescribed municipalities

2.1 For the purposes of section 4 (2) of the Act, a prescribed municipality is one of the following municipalities:

- (a) District of Hudson's Hope;
- (b) Resort Municipality of Whistler;
- (c) District of Tumbler Ridge;
- (d) District of Stewart;
- (e) City of Revelstoke;
- (f) District of Wells;
- (g) District of Mackenzie;
- (h) Town of Fort Nelson.

Prescribed criteria for bylaw

2.2 For the purposes of section 4 (2) of the Act, the prescribed criteria for a bylaw that relates to the lighting, fueling or use of open fires are as follows:

- (a) the bylaw provides for fire prevention and forest protection;
- (b) the bylaw applies to an area that is
 - (i) serviced by a fire department or other type of organized fire response, and
 - (ii) subject to a system for the public to report fires.

Prescribed circumstances respecting private managed forest land

2.3 For the purposes of section 4 (3) of the Act, the prescribed circumstances in respect of which sections 5 and 6 of the Act do not apply to an area that is private managed forest land are as follows:

- (a) if the area is within the boundaries of a municipality that is not a prescribed municipality referred to in section 4 (2) of the Act and there is a bylaw applicable to the area that
 - (i) relates to the lighting, fueling or use of open fire, and
 - (ii) provides for fire prevention and forest protection;
- (b) if the area is within the boundaries of a prescribed municipality referred to in section 4 (2) of the Act, or a local government that is a local government under paragraphs (c) to (f) of the definition of "local government" in section 1 of the Act, and
 - (i) there is a bylaw applicable to the area that
 - (A) relates to the lighting, fueling or use of open fires, and
 - (B) provides for fire prevention and forest protection, and
 - (ii) the area to which the bylaw applies is

- (A) serviced by a fire department or other type of organized fire response, and
- (B) subject to a system for the public to report fires.

2 Section 3 is repealed and the following substituted:

Application of this regulation

- 3** If sections 5 and 6 of the Act do not apply to an area, sections 4 to 13, 16 and 18 to 27 of this regulation do not apply to the area.