

BYLAW NO. 09-20

A BYLAW RESPECTING OPEN FLAME FIRES

The Council of the Resort Village of Bird's Point, in the Province of Saskatchewan enacts as follows:

TITLE

This bylaw shall be referred to as the "Open Flame Fire Bylaw".

PURPOSE

To regulate open fires and burning of any kind for public safety in the use Open Fires.

In accordance with Section 8(1)(b) of *The Municipalities Act* the Council of the Resort Village of Bird's Point enacts as follows:

I. DEFINITIONS

In this bylaw:

- (a) **"Administrator"** shall mean the administrator of Resort Village of Bird's Point;
- (b) **"closure"** means a closure within the meaning of The National Fire Code;
- (c) **"combustible" liquid** means a combustible liquid within the meaning of The National Fire Code;
- (d) **"Council"** shall mean the council of the Resort Village of Bird's Point;
- (e) **"Department"** and **"Fire Department"** as appointed (agreement) by Resort Village of Bird's Point
- (f) **Chief** shall mean the Chief of the Volunteer Fire Department or the Fire Chief's designate;
- (g) **"flammable" liquid** means a flammable liquid within the meaning of The National Fire Code;
- (h) **"Member"** means a person appointed as a Fire Chief or a member of the Fire Department approved by the Fire Chief;
- (i) **"Municipality"** shall mean the Resort Village of Bird's Point
- (j) **"National Fire Code"** means the Code declared to be in force pursuant to Subsection 3(1) of The Saskatchewan Fire Code Regulations;
- (k) **"NFPA"** means the National Fire Protection Association;
- (l) **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a Special Constable or Constable or a Bylaw Enforcement Officer of the Municipality, and any person designated by council to enforce this bylaw;

2. OPEN FLAME FIRES

1. No person shall light, ignite, or start to allow or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air if it is unsafe to do so.
2. No person shall light, ignite, or start to allow or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air if the burning is not located on private property of that person, or with that private property owners prior consent.
3. The Administrator, council or designate shall implement a fire ban if the neighboring Rural Municipalities issue a fire ban.
4. Nothing contained in this Part shall relieve any person from complying with the provisions of The Clean Air Act and the regulations passed pursuant thereto.
5. Burning for land clearing purposes is prohibited.
6. An outdoor fire, outdoor burning appliance or barbeque, which is deemed hazardous, may be extinguished or removed by order of the Fire Chief, or any member of the Department or Peace Officer.

3. FIRE PITS

1. Open cooking fires shall not be set unless the following measures are taken:
 - a. Be contained in a non-combustible receptacle constructed of cement, brick, clay (kiln dried), or sheet metal with a minimum 18-gauge thickness with maximum inside measurements as follows and illustrated:
 - i) square unit – 38” by 38” by 24” deep
 - ii) round unit – 44” diameter by 24” deep
 - b. The receptacle must be located, a distance of at least 3.1 meters (10 feet) from any building or other combustible structure or object;
 - c. The receptacle must be separated from grass and any other vegetation by a distance of at least forty (40) centimeters (15.7 in.) by means of clean earth, sand, gravel or other non-combustible material.

2. Chimney and portable fire pits:
 - a. shall not be used on multiple unit dwellings balconies;
 - b. shall not be used indoors;
 - c. shall not be used on wooden decks; but may be used on a noncombustible surface such as earth, concrete, stone, etc.; and
 - d. shall be separated from grass and any vegetation by a distance of at least 40 centimeters (15.7 in.) by means of clean earth, sand, gravel or other noncombustible material; e. the receptacle must be located, a distance of at least 3.1 meters (10 feet) from any building or other combustible structure or object.
- 3 All open fire must be reasonably supervised at all times so as to prevent its spread.
- 4 The fuel for open-air fires shall consist only of charcoal, cut seasoned wood, or manufacturer's logs.
- 5 The fire shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.
- 6 The fire shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
- 7 The burning of the following materials is prohibited:
 - a. Rubbish;
 - b. Garden refuse;
 - c. Manure;
 - d. Livestock or animal carcasses;
 - e. Any material classified as a dangerous good including any material classified by the authority having jurisdiction as a hazardous material or as dangerous good;
8. Any material when burned that will generate black smoke or an offensive odor (i.e. insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosote wood)

Village of Birds Point

9. If smoke from a fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire must be extinguished immediately.
10. Where requested by the Fire Chief or a Peace Officer, a person shall extinguish an open-air fire.

4. BARBEQUING

1. Every person who uses any barbecue or similar device shall:
 - a. Use the barbecue in a reasonable and safe manner;
 - b. Keep the barbecue, when lit, a sufficient distance from all combustible materials ("combustible materials" is not to be interpreted as the railing on a balcony or deck);
 - c. Ensure that a portable grill or barbecue is located on a firm base and firmly anchored;
 - d. Refrain from leaving the barbecue unattended;
 - e. Keep the barbecue in a reasonable state of repair;
 - f. Comply with all federal and provincial regulations regarding the use and storage of propane cylinders;
 - g. Ensure propane cylinders be shut off at the tank valve when not in use;
 - h. Ensure propane cylinders be connected and secured to the barbecue;
 - i. Ensure propane cylinders be kept in an upright position at all times, including when the cylinders are in transit, service or storage.
2. When solid fuel appliances are used, provisions for the storage of ashes or hot coals is limited to approved receptacles.

5. PROPERTY IDENTIFICATION

1. The civic address of any building or structure shall be prominently displayed on the front and/or back and/or side of the building or structure so as to be clearly visible from any highway when approaching the building or structure from any access point(s).

- 2 Neither this Bylaw nor the National Fire Code shall be construed to hold the Resort Village of Bird's Point Resort, the Fire Department, its members, or employees, agents, or volunteers, responsible or liable for any damage to persons or property by reasons of:
 - a. inspections authorized by this Bylaw or the National Fire Code;
 - b. failure to carry out an inspection; or
 - c. the approval or disapproval of any equipment authorized herein.

6. PENALTY

1. As per section 387 of *The Municipalities Act*, any person who is in contravention to the provisions of this Bylaw, is guilty of an offence and may be liable on summary conviction.
2. A Notice of Violation will be issued to any person who is found to be in violation of this Bylaw. If a Notice of Violation is not voluntarily paid, a summary offence ticket will be issued and you will have the right to appeal in Provincial Court.
 - a. for a first offence, to a fine of \$100.00; and
 - b. for a second offence, to a fine of \$300.00; and
 - c. for a third or subsequent offense, to a fine not less than \$700.00 and not more than \$10,000.00.
3. In the case of commercial, to a fine not exceeding \$5,000.00 and, in the case of a continuing offence, to a further fine of not more than \$25,000.00 for each day during which the offence continues

7. VOLUNTARY PAYMENT TO AVOID PROSECUTION

1. Any person who is in contravention of this Bylaw, and has been served with a Notice of Violation, may voluntarily pay the penalty.
2. For the purpose of determining the prescribed penalty required, the number of prior offences shall be determined by the number of Notices of Violation issued in relation to the specified contravention, with the exception of those which have been cancelled or dismissed by the Court.

8. NOTICE OF VIOLATIONS

1. The Notice of Violation, known as "Form A", is attached hereto and forms part of this Bylaw.

9. COMING INTO FORCE

1. This bylaw shall come into force and take effect on final passing thereof.

SEAL

MAYOR

ADMINISTRATOR

Introduced and read a first time this 23 day of November, 2020

Read a second time this 23 day of November, 2020

Read a third time this 23 day of November, 2020

**Form A
Notice of Violation**

This ticket has been issued for breach of provision of

Bylaw No. 09-20 A BYLAW RESPECTING OPEN FLAME FIRES

Owner's Name: _____

Owner's Address: _____

DETAILS OF OFFENCE

DATE: _____

TIME: _____

DESCRIPTION

LOCATION OF VIOLATION:

SERVED BY:

(To be signed by the Bylaw Officer/or person appointed by Council)

You are charged with violation of Bylaw No. _____
Section (s) _____

The penalty for violation of Section (s) _____ **is \$** _____

You may make voluntary payment of the above penalty at the Resort Village of Bird's Point (169 Currie Ave) or mail the find amount to Resort Village of Bird's Point, Box 1019 Whitewood, Sask. S0G 5C0 within (7) days from the date of the service of the Notice of Violation or otherwise prosecution proceedings may be commenced.

