



**Bylaw NO 08-2019**

**A BYLAW FOR THE PREVENTION AND CONTROL OF WILDLAND FIRES WITHIN THE RURAL MUNICIPALITY OF NIPAWIN NO. 487**

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Section 8 of the *Municipalities Act*

The Council of the Rural Municipality of Nipawin No. 487 in the Province of Saskatchewan enacts as follows:

**Short Title:**

1. This bylaw shall be referred to as the “*Wildland fire prevention bylaw*”

**Interpretation:**

2. In this bylaw:
  - 2.1. “Burning Permit” shall mean a permit issued regulating outdoor and open air burning in the Municipality;
  - 2.2. “Burning Permit Area” shall mean the area of the Rural Municipality of Nipawin No. 487 that is not declared Wildfire Management Area pursuant to section 2 (gg) of *The Wildfire Act, 2014* and does not include the following:
    - 2.2.1. Country-Residential Subdivisions
    - 2.2.2. Hamlets
    - 2.2.3. Resort Subdivisions
  - 2.3. “Council” shall mean the council of the municipality;
  - 2.4. “Outdoor Fire” shall mean a fire that is started outdoors including crop residue burning, land clearing, and grass burning, but does not include a fire started in, and remains contained within, a fire pit or solid fuel burning appliance;
  - 2.5. “Wildfire Season” shall mean the period of time in each year commencing April 1<sup>st</sup> and ending on October 31<sup>st</sup> or any other time that may be designated by the Rural Municipality of Nipawin No. 487;
  - 2.6. “Municipality” shall mean the Rural Municipality of Nipawin No. 487;

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**Provisions:**

3. Subject to subsection 3.1 no person shall start an outdoor fire within the burning permit area, during the wildfire season, without first obtaining a written burning permit as per attached schedule “A” from the Administrator of the Municipality.
  - 3.1. The following are exempt from requiring a burning permit:
    - 3.1.1. Fires less than one metre in diameter;
    - 3.1.2. Burning Barrels;
    - 3.1.3. Outdoor fire place/camp fire/fire pit;
    - 3.1.4. Smudge;
    - 3.1.5. Incinerator.
  - 3.2. All exemptions shall comply with the following:
    - 3.2.1. Fire must be contained in a non-combustible receptacle or located over bare rock, gravel, sand, mineral soil, concrete or other non-combustible material;
    - 3.2.2. Is surrounded by a non-combustible surface that is at least one metre in radius from the outside edge of the receptacle of surface described in section 3.2.1.;
    - 3.2.3. The burning barrel or incinerator is a fully enclosed device constructed of non-combustible material and covered with a heavy gauge metal screen of a mesh size sufficient to prevent the escape of sparks or embers;
    - 3.2.4. The burning barrel or incinerator shall be located on a flat and level surface.

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Handwritten signature and initials.

- 3.2.5. Solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure of combustible of at least 10 metres.
- 3.2.6. A minimum clearance of 10 metres, measured from the nearest fire pit edge is maintained from any structures or any combustibles (i.e. fences, trees, hydro poles) and property lines.
4. All burning permits within the Municipality shall be subject to the conditions and provisions of the *Wildfire Act, 2014*, including but not limited to, the following conditions and those conditions specifically set out within the burning permit.
- 4.1. Any outdoor fire shall be supervised by the owner or occupier of the land or a person authorized by the owner or occupier of the land.
- 4.2. No person shall start an outdoor fire on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire.
- 4.3. No person shall start an outdoor fire unless all precautions are taken to ensure that the fire can be kept under control, or when weather conditions are conducive to a fire burning out of control.
- 4.4. No person shall cause an outdoor fire to be started in order to guard property, clear land or burn debris, burn crop, stubble or grass, unless that land on which the fire is started is completely surrounded by a fire guard consisting of:
- 4.4.1. A strip of land free of flammable material, or of sufficient width to control the fire;
- 4.4.2. By natural or man-made barriers, water, or
- 4.4.3. By a combination of 4.4.1 and 4.4.2.

4.5. The smoke from an outdoor fire shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.

4.6. A sufficient water supply and means of fire suppression capable of extinguishing the outdoor fire based on its fuel loading and size shall be available on site.

4.7. All fires must be extinguished when unsupervised.

5. Authorization to conduct outdoor fire burning does not exempt or excuse a person from the responsibility, consequences, damages, or injuries resulting from the authorized burning and does not excuse a person from complying with other applicable laws, ordinances or regulation.

#### **Fire Ban**

6. The municipality may, at their discretion, ban All Burning (including exemptions as stated in section 3.1) in any area of the Municipality if conditions exist where, in the opinion of the municipality, fires are extremely high risk, and such ban would prevent wildfires from occurring.

7. When such fire ban is in effect, all permits will be void.

8. A fire ban prohibiting open fire of any kind may be issued by a resolution of council or jointly by any three officials of the Municipality identified in section 9. A fire ban shall be issued in writing and shall identify:

8.1. The time and date that the fire ban commences;

8.2. The fire response area the fire ban covers;

8.3. The time and date the fire ban is lifted, or will be reviewed;

8.4. Other information that may be in the public interest.

9. Pursuant to section 8 the municipal officials so authorized, in any tandem, to issue a fire ban are the Administrator and Reeve. The municipal officials shall consult the fire chief for the fire response area along with the majority of council.





*Rural Municipality of Nipawin No. 487*

**Penalties**

10. It is an offense to contravene any provisions of this bylaw. Any conviction of an offense is subject to the penalties as provided in the general penalty bylaw of the municipality.
11. Where a person is in contravention under this bylaw, in addition to imposing a fine, the Municipality is entitled to be reimbursed by the person(s) for costs in fire protection and suppression operations that were undertaken as a result of the person(s) acts or omissions that resulted in the costs to be incurred.
12. Where the administrator receives voluntary payment of an amount approved by council, within 2 weeks of receiving such notice, the person shall not be liable to prosecution for the alleged contravention.
13. Nothing shall be construed to prevent any person from exercising his right to defend a charge of contravention of this bylaw.

**Repeal**

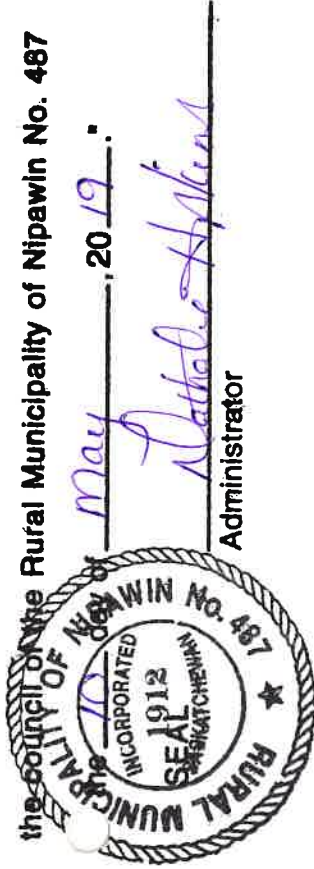
14. Bylaw 6-2015 is now hereby repealed.

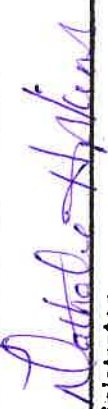


  
Reeve

  
Administrator

"Certified to be a true copy of Bylaw No. ~~08-2017~~ adopted by the Council of the Rural Municipality of Nipawin No. 487



on 10 day of May, 2019.  
  
Administrator



# SCHEDULE "A" Permit to burn

Permit # \_\_\_\_\_ Date \_\_\_\_\_  
This permit authorizes \_\_\_\_\_ of \_\_\_\_\_  
(owner/occupant) of the \_\_\_\_\_ Quarter, Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_ W2, to burn the  
following:

List materials to be burned:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Land locations:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on the above mentioned property(ies) between the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
and the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in compliance with the following conditions:

**BEFORE BURNING YOU MUST CALL THE BURN CONTROL CENTRE AT 1-866-404-4911**

**BURNS MUST BE SUPERVISED AND UNDER CONTROL AT ALL TIMES**

- Where a permit is issued, the issuer shall determine the special precautions if any, to be taken. Unless the issuer otherwise prescribes in writing the permittee shall pile the material to be burned in heaps or rows and he shall not start a fire or cause a fire to be started within fifty yards from any forest land.
- Every permittee shall:
  - ❖ Exercise every reasonable care and precaution to prevent the fire from spreading and carefully extinguish it before leaving the place;
  - ❖ Notify the owners or occupiers of any adjacent forest land before starting the fire.
- The issuance of a burning permit does not discharge the person acting thereunder from responsibility for damage caused by the fire.
- Notwithstanding the issuance of a permit, no fire shall be started if conditions exist that may cause the fire to spread or go out of control.
- If a fire spreads or is likely to spread and expenditure is incurred by the Municipality or any person in controlling or extinguishing the fire, the permittee is liable for the amount expended, and the amount may be recovered in any Court of Competent Jurisdiction.

**This permit will be VOID when a fire ban is in effect**

*The Rural Municipality of Nipawin No. 487 accepts no responsibility for liability or costs incurred as a result of authorizing this permit.*

Authorized Permit Issuer \_\_\_\_\_ Title \_\_\_\_\_



## Responsibilities of Permittee

1. Fire is to be supervised and under control at all times.
2. Every permittee shall exercise every reasonable care and precaution to prevent the fire from spreading, to extinguish the fire upon permit expiry, and to ensure the fire is completely out.
3. Notwithstanding the issue of a permit, no fire shall be started if conditions exist that might cause the fire to spread beyond the control of the permittee.
4. If a fire spreads or is likely to spread and expenditure is incurred by the department in the suppression or control of the fire the permittee is liable for all costs incurred by the department, which may be recovered in any court of competent jurisdiction.
5. The permittee is not exempt from damages that may be caused to adjacent landowners.
6. Smoke management concerns are to be adhered to, including (but not limited to) the following:
  - a. Smoke must not at any time affect road traffic safety.
  - b. Smoke must not at any time affect the health and well-being of adjacent homeowners, businesses, or the general public.
  - c. Wind direction and smoke travel are to be considered prior to fire ignition.
7. In accordance with the *Clean Air Act & Regulations*, burning of wood or grass material only, to **not include:**
  - a. Petroleum products
  - b. Plastics
  - c. Rubber materials
  - d. Treated or painted wood products
  - e. Household, commercial, or industrial waste/garbage*Contravention of the Clean Air Act & Regulations may result in Prosecution*

### General Rules

All fireguards must be bladed or disked to mineral soil to cover 100% of the guard.

### Widths:

- Fine Fuels (Grass, Stubble): 6-15m (20-50 ft.), 15-23m (50-75 ft.) from standing timber.
- Windrows, brush piles: 6-15m (20-50 ft.), 23-46m (75-150 ft.) from standing timber.
- Rangeland improvements: 60m (200 ft.) from standing crown timber.

### Weather conditions vs. Burning conditions

	<b>Risky</b>	<b>Optimum</b>	<b>Poor</b>
➤ Relative Humidity (%)	≤ 25	25-35	≥ 35
➤ Wind (km per hour)	≥ 20	5-20	≤ 5
➤ Temp (°C)	≥ 21	15-18	≤ 15

**\* If at all possible, fires should be started after 6:00 pm on any given day.**

### Additional Information

- Out means completely extinguished, with no flame, smoke, or heat present.
- Burn Control # 1-866-404-4911
- Wildfire Management requires 24-hour notice prior to issuing a Burn Notification – Please plan ahead.
- For fire hazard conditions, you can go to [www.environment.gov.sk.ca/firesmart](http://www.environment.gov.sk.ca/firesmart)

*I have read and understand the above and I accept personal responsibility that I will abide by the Bylaws, and the conditions of the approval by the Municipality.*

Burning Permittee Signature

Date (yr/m/d)

contact phone number