

## TOWN OF WILKIE

### BYLAW NO. 04/16

#### A BYLAW TO REGULATE OPEN OUTDOOR FIRES

The Council of the Town of Wilkie in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the "Open Outdoor Fire Bylaw".
2. Section 8 of *The Municipalities Act* authorizes a municipality to pass bylaws for the purposes of peace, order and good government of the municipality and the safety, health and welfare of people and the protection of people and property.
3. Pursuant to the powers granted under *The Municipalities Act*, the Council of the Town of Wilkie wishes to provide regulations regarding open fires within the municipality for the health, safety and welfare of the people and for the protection of people and property.
4. In this bylaw:
  - a) "Administrator" shall mean the administrator of the municipality;
  - b) "Council" shall mean the Mayor and Council of the municipality;
  - c) "Department" shall mean the Wilkie & District Fire Department;
  - d) "Designated Officer" shall mean the Administrator or Fire Chief.
  - e) "Fire Ban Committee" shall mean the Mayor, Deputy Mayor, Administrator and/or Assistant Administrator;
  - f) "Fire Chief" shall mean the Chief of the Wilkie & District Fire Department or his designate;
  - g) "Member" means a person appointed as a Fire Chief by Council or a member of the Fire Department approved by the Fire Chief;
  - h) "Municipality" shall mean the Town of Wilkie;
5. **Open Fires**
  - a) 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 until all requirements as listed in Section 5 of this bylaw are met.
  - b) The Department may issue a permit to a person to set an open-air fire as part of a block party, community event or similar special function or celebration being held within the Municipality with the exception of the Wilkie Regional Park.

In this event, the Department may waive any requirements of this section with respect to the permitted open-air fire, but the permittee shall comply with all the other requirements of this section and any other conditions attached to the permit by the Department.
  - c) The Fire Chief or a designate may suspend a burning permit if the wind or other conditions are not conducive to fire safety on the date specified for the burn. The Fire Chief may validate the permit for another date.
  - d) No permit shall be required to light, ignite, or start or allow or cause to be lighted, ignited, or started, a fire pit (as described in Section 5), a barbeque, grill or similar device used to cook food.

- e) Nothing contained in this section shall relieve any person from complying with the provisions of *The Clean Air Act* and the regulations passed pursuant thereto.
- f) Burning for land clearing purposes is prohibited.
- g) A open-air fire, outdoor burning appliance or barbeque, which is deemed hazardous, may be extinguished or removed by order of the Fire Chief or any member.

## 6. Exemptions to Burning Regulations

Notwithstanding any other provision of this bylaw, the Fire Chief or any other member designated by the Fire Chief may burn buildings, structures, or other materials for the purpose of training its personnel in structural firefighting methods, fire investigation procedures, for the purpose of elimination of hazards or any other municipal purposes.

## 7. Fire Pits

- a) Open fires shall not be set unless the following measures are taken:
  - i. be limited to a diameter of 1 meter (3.29 feet) in width or height and be contained in a noncombustible receptacle constructed of cement, brick, clay (kiln dried), or heavy gauge metal;
  - ii. the receptacle must be covered with a heavy gauge metal screen with openings not exceeding 13 millimeters (0.5 in.);
  - iii. the receptacle must be located on private property, a distance of at least 1.5 meters (5 feet) from any property line, building or other combustible structure;
  - iv. 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.
- b) Chimney and portable fire pits;
  - i. Shall not be used on apartment balconies;
  - ii. Shall not be used indoors;
  - iii. Shall not be used on wooden decks; but may be used on a non-combustible material;
  - iv. 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 non-combustible material;
  - v. Shall be located on private property a distance of at least 1.5 meters (5 feet) from any property line, building or other combustible structure.
- c) General Requirements
  - i. The fire must be reasonably supervised so as to prevent its spread.
  - ii. The fuel for open-air fires shall consist only of charcoal, cut seasoned wood, or manufacturer's logs.
  - iii. The fire shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.
  - iv. The fire shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
  - v. The burning of the following materials is prohibited:
    - 1. Rubbish;
    - 2. Garden refuse;
    - 3. Manure;
    - 4. Livestock or animal carcasses;



- 5. Any material classified as a dangerous good;
- 6. Any material when burned will generate black smoke or an offensive odour (i.e. insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosote wood)
- vi. 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. Continued offences of this nature could call for the immediate removal and/or suspension of its use for a period of one calendar year at the discretion of the Fire Chief.
- vii. The property owner is responsible for any or all damages as a result of burning.

## 8. Barbecuing

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.
- j) When solid fuel appliances are used, provision for the storage of ashes or hot coals is limited to approved receptacles.

## 9. Fire Bans

- a) The municipality may impose fire bans from time to time as deemed necessary for the protection of people and property.
- b) When determining whether to declare a fire ban with the municipality, consideration shall be given to any or all of the following factors:
  - i) Levels of recent precipitation;
  - ii) Future weather forecasts;
  - iii) Water shortages or restrictions;
  - iv) The overall fire danger including fire load and level of ground fuels;
  - v) The amount of or increase in recent outside fires; and
  - vi) The recommendation of the Fire Chief or Deputy Fire Chief.
- c) The Council by resolution or the Fire Ban Committee by decision, are empowered to declare when a fire ban is in effect by providing notification to the public, said notification shall include:
  - i) The time and date the fire ban commences;
  - ii) The land the fire ban covers; and
  - iii) The authority, namely this Bylaw, to impose a fire ban:
- d) The Council by Resolution or the Fire Ban Committee by decision, shall be empowered to declare when a fire ban ends.


- e) The municipality shall communicate that fire bans are in effect and when they end by posting a notice at the municipal office, on the electronic sign, the municipalities' Facebook page and by notifying the Prince Albert 911 Dispatch Centre.

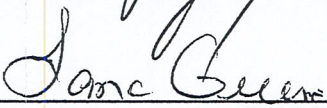
**10. Contravention of the Bylaw**

- a) Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.
- b) Such notice shall be deemed to have been served:
- i. On the expiration of twenty-four hours after it is posted, if the notice is mailed;
  - ii. On the day of actual delivery, if the notice is served personally; or
  - iii. On the business day following the transmission, if given by facsimile.
- c) A Bylaw Violation Notice shall be in such form as determined in Schedule "B" and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Schedule "C" that will be accepted by the Municipality in lieu of prosecution.
- d) Upon production of a Bylaw Violation Notice issued pursuant to this section within twenty (20) days from the issue thereof, together with the payment of the fee as provided in Schedule "C" to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for the prosecution for the contravention in respect of which the ticket was issued.
- e) Where any person contravenes the same provision of the Bylaw two or more times within one twelve month period, the specified payment payable in respect of the second or subsequent contravention is double the amount shown in Schedule "C" of this Bylaw in respect of that provision.
- f) Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
- g) Any person who has received a Bylaw Violation Notice in accordance with this bylaw and who chooses not to submit a voluntary payment will be liable on summary conviction to the penalties set out in *The Municipalities Act* or the General Penalty Bylaw of the Municipality.
11. Bylaw No. 05/12 is hereby repealed.
12. This bylaw shall come into force and take effect on the date of final approval by the Council of the Town of Wilkie.

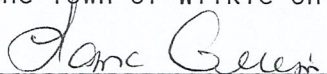
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\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator

A certified True Copy of Bylaw 04/16  
adopted by resolution of the council of  
the Town of Wilkie on the 13th day of June 2016. Subsection 8(a) of The Municipalities Act

  
\_\_\_\_\_  
Administrator

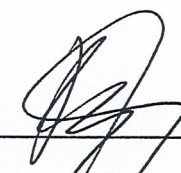
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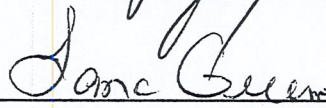
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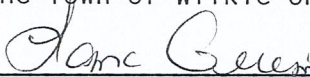
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\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator

A certified True Copy of Bylaw 04/16  
adopted by resolution of the council of  
the Town of Wilkie on the 13th day of June 2018. Subsection 8(a) of The Municipalities Act

  
\_\_\_\_\_  
Administrator

**SCHEDULE "A"**  
**BYLAW NO. 04/16**  
**TOWN OF WILKIE**

**OUTDOOR FIRE PERMIT TO BURN**

ADDRESS OF WHERE OPEN FIRE IS TO TAKE PLACE:

\_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S PHONE NO: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

DATE REQUESTED: \_\_\_\_\_

ESTIMATED LENGTH OF TIME FOR OPEN FIRE: \_\_\_\_\_

ATTACH A SKETCH OF AREA WHERE BURNING IS TO OCCUR (INCLUDE BUILDINGS, TREES, OTHER STRUCTURES, ETC.)

The Town of Wilkie assumes no responsibility for any burning or consequence of burning. The owner is responsible for any or all damages as a result of burning. The owner may be required to extinguish the fire at any time if it causes unreasonable interference with the use and enjoyment of other person's property.

It is an express condition of this permit that the applicant, whose signature appears hereunder, shall be responsible for any injury or damage to person or property arising from the use of this permit.

APPLICANT'S SIGNATURE: \_\_\_\_\_

\_\_\_\_\_

A PERMIT TO BURN APPROVED MATERIALS IS HEREBY GRANTED TO THE APPLICANT NOTED ABOVE.

This permit is effective only for the date listed above.

\_\_\_\_\_  
FIRE CHIEF OR DESIGNATED OFFICER

\_\_\_\_\_  
DATE

**SCHEDULE "B"**  
**BYLAW NO. 04/16**  
**TOWN OF WILKIE**

**TOWN OF WILKIE**  
**BYLAW VIOLATION NOTICE**

Reference No. \_\_\_\_\_

Name:	
Address:	

This official notice is issued for alleged breach of the following bylaw:

<b>Bylaw No.:</b>	
<b>Section No.:</b>	
<b>Offence:</b>	
<b>Voluntary Payment:</b>	

**DETAILS OF ALLEGED BREACH OF VIOLATION:**

- DATE: \_\_\_\_\_
- TIME: \_\_\_\_\_
- LOCATION OF VIOLATION: \_\_\_\_\_
- OTHER PARTICULARS (Names of others in attendance, height of fire etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PENALTY:**

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the municipal office at 206 – 2<sup>nd</sup> Avenue West or by mail to: Town of Wilkie, Box 580, Wilkie, SK S0K 4W0.

If the voluntary payment indicated above is not received by \_\_\_\_\_, a summons requiring your appearance in provincial court will be issued.

Issued this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_  
(Designated Officer)

\_\_\_\_\_  
Signature of Designated Officer

**SCHEDULE "C"**  
**BYLAW NO. 04/16**  
**TOWN OF WILKIE**

**VOLUNTARY PAYMENT AMOUNTS**

Section 5(f)	-	\$200
Section 7(a,b & c )	-	\$100
Section 8	-	\$100