

# RESORT VILLAGE OF THODE

## BYLAW #1/2019

### A BYLAW RESPECTING FIREWORKS and OPEN FIRES

The Council of the Resort Village of Thode, in the Province of Saskatchewan enacts as follows:

#### **TITLE:**

This bylaw shall be referred to as the "*Fireworks and Open Fires Bylaw*".

#### **PURPOSE**

To regulate setting off of fireworks;

To regulate open fires and burning of any kind;

To provide for public safety in the use of Fireworks and Open Fires.

To establish a process for banning fires and fireworks.

#### **PART I - DEFINITIONS**

In this bylaw:

1. "CAO" shall mean the chief administrative officer of the Resort Village of Thode;
2. "closure" means a closure within the meaning of *The National Fire Code*;
3. "combustible liquid" means a combustible liquid within the meaning of *The National Fire Code*;
4. "Council" shall mean the council of the Resort Village of Thode;
5. "Department" and "Fire Department" shall mean the Dundurn Volunteer Fire Department;
6. "Fire Chief" shall mean the Chief of the Dundurn Volunteer Fire Department or the Fire Chief's designate;
7. "fireworks" means fireworks as defined in the *Explosives Regulations*, e.R.e., c.S99;
8. "flammable liquid" means a flammable liquid within the meaning of *The National Fire Code*;
9. "high hazard fireworks" means Subdivision 2 of Division 2 fireworks as defined in the *Explosives Regulations*, C.R.e., c.599;

10. "low hazard fireworks" means Subdivision 1 of Division 2 fireworks as defined in the *Explosives Regulations, C.R.C., c.599*;
11. "Mayor" shall mean the Mayor of the Resort Village of Thode;
12. "Member" means a person appointed as a Fire Chief by Councilor a member of the Fire Department approved by the Fire Chief;
13. "Municipality" shall mean the Resort Village of Thode;
14. "*National Fire Code*" means the Code declared to be in force pursuant to Subsection 3(1) of *The Saskatchewan Fire Code Regulations*;
15. "NFPA" means the National Fire Protection Association;
16. "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;
17. "private fireworks display" means the discharge of low hazard fireworks for private recreation and entertainment; and
18. "public fireworks display" means the discharge of high or low hazard fireworks for public recreation and entertainment.

## **PART II - FIREWORKS**

### **Fireworks Displays**

1. A public fireworks display shall only be held in public locations approved and designated by the Department.
2. No person shall hold a public fireworks display without first obtaining a Fireworks Permit from the Department.
3. A public fireworks display shall be held at the time and location set out in the permit.
4. A permit for a public fireworks display using high hazard fireworks shall only be issued to persons holding a valid Fireworks Supervisor - Level I or Level II card issued by Natural Resources Canada. Applicants with Fireworks Supervisor accreditation from other jurisdictions shall not receive a permit unless the Department is satisfied that the applicant is properly trained and qualified in the use of high hazard fireworks.
5. The applicant for a permit for a public fireworks display using high hazard fireworks shall procure and provide to the Department at least 7 days prior to the scheduled date of the display, a Certificate of Insurance which shall name the Municipality as insured under the applicant's insurance policy. The Insurance Certificate shall indicate that the Applicant has at least \$1,000,000.00 of public liability insurance.

6. A public fireworks display using high hazard fireworks shall only be held if the display is conducted under the direct supervision of a fireworks supervisor.
7. In accordance with Article 5.1.1.2 of *The National Fire Code*, a public fireworks display using high hazard fireworks shall be conducted in conformance with the current "*Fireworks Display Manual*" prepared by Natural Resources Canada.
8. At the conclusion of the public fireworks display, all unused fireworks and debris shall be immediately removed and disposed of by the person holding the permit to conduct the display.

### **Setting Off Fireworks**

9. a) No person shall set off any fireworks in a manner that would create a danger, nuisance, annoy, disturbs, injures, or otherwise endanger or detract from the comfort, repose, health or safety of another person or property; and  
  
b) in any case no person shall set off any fireworks between the hours of 11:00 pm and 8:00 am daily without prior written approval from the Department or Administrator.
10. No person shall set off any fireworks on a street or other public place except as part of a public fireworks display as permitted by this Bylaw.
11. No person under 18 years of age shall set off any fireworks except under the direct supervision of a parent, guardian or other responsible adult.
12. No parent or guardian of a child under 18 years of age shall suffer or permit the child to set off any fireworks, except when under the direct supervision of the parent or guardian.

## **PART III - OPEN FIRES**

### **Open Flame Fire**

13. Each person wishing to build or install a fire pit or chiminea must pay a fee of \$25 for the initial inspection of the fire pit or chiminea and must have an additional inspection(s) if the fire pit or chiminea is relocated or moved on the property.  
  
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 if it is unsafe to do so.  
  
b) 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..
14. The Fire Chief, Administrator or designate may suspend any open fire or burning if the wind or other conditions are not conducive to fire safety.

15. 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.
16. Burning for land clearing purposes is prohibited.
17. 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.

### **Exemptions to Burning Regulations**

18. Notwithstanding any other provision of this bylaw, the Fire Chief or any other member designated by the Fire Chief may use 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.

### **Fire Pits**

19. 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 covered with a heavy gauge metal screen with openings not to exceed one half (1/2) inch.
  - c. the receptacle must be located, a distance of at least 3.1 meters (10 feet) from any building or other combustible structure or object, and may not be closer than 3.1 meters (10 feet) from any neighbouring or abutting residential property;
  - d. 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.
20. Chiminea 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.;
  - 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, and may not be closer than 3.1 meters (10 feet) from any neighbouring or abutting residential property;

### **General Requirements**

- 21. All open fire must be reasonably supervised at all times and a supply of water must be readily available so as to prevent its spread.
- 22. The fuel for open-air fires shall consist only of charcoal, cut seasoned wood or manufacturer's logs.
- 23. The fire shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.
- 24. The fire shall not be set in windy conditions (greater than 20 km/hr) conducive to creating a running fire or a nuisance to another person.
- 25. 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;

- f. Any material when burned that 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)
26. 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.
  27. Where requested by the Fire Chief or a Peace Officer, a person shall extinguish an open air fire.
  28. Continued offences of this nature could call for the immediate removal and/or suspension of open fires for a period of one calendar year and the revoking any open fire or burning or any kind, at the discretion of the Fire Chief.

### **Barbecuing**

29. 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.
30. When solid fuel appliances are used, provisions for the storage of ashes or hot coals is limited to approved receptacles.

### **Property Identification**

31. 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).

## Fire Bans

32. Notwithstanding the provision in any other Bylaw the Council may, upon receiving input from the Fire Chief of the Dundurn Volunteer Fire Department, or at its own discretion based on the consideration of Sask Environment Risk Maps, Province-wide bans and/or the recommendation from Management, declare a Fire Ban on burning of any kind within the municipality.

32.1. Two types of Fire Bans may be implemented:

(a) A Complete Ban - No Fires or Fire Works; Use of CSA and UL approved appliances is permitted.

(b) A Partial Ban - No Fires or Fire Works; Use of CSA and UL approved appliances is permitted; campfires in approved containers as per bylaw are permitted.

32.2 When determining whether to declare a Fire Ban within the municipality, consideration shall be given to any or all of the following factors:

(a) Levels of recent precipitation;

(b) Future weather forecasts, including wind speeds;

(c) Water shortages or restrictions;

(d) Availability of fire crews, equipment and apparatus;

(e) The overall fire danger including fire load and level of ground fuels;

(f) The amount of or increase in recent outside fires; and

(g) Sask Environment Risk Forecasts

(h) Province-wide or Regional Bans

(i) Recommendation of the Fire Chief and/or Operations Manager

32.3 The Council authorizes the CAO in consultation with the Operations Manager, the authority to remove any Fire Ban when conditions warrant.

32.4 When a Fire Ban is in effect, any person who contravenes the Fire Ban may be subject to the fines established within this bylaw.

32.5 Notice of a Fire Ban shall be provided to the public. Notice may be in the form of signs posted in the municipality, by email, or by any other means which the CAO determines is appropriate for the purpose of informing the public of the Fire Ban.

## **Immunity from Liability**

33. Neither this Bylaw nor the National Fire Code shall be construed to hold the Resort Village of Thode, 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;
  - c) the approval or disapproval of any equipment authorized herein.

## **PART IV Penalty**

34. Any person who contravenes Part III of this Bylaw is guilty of an offence liable on Summary Conviction to a fine not less than \$100.00 and not more than:
- a) \$10,000 in the case of an individual
  - b) \$25,000 in the case of a corporation; and
- 34.1 And continuing offences of \$100 per day or any portion thereof.
35. Notwithstanding section 34 where the Fire Chief or a Peace Officer believes that a person has contravened any provision in Part III of this Bylaw, they may serve upon such person a Notice of Violation 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.
36. Such notice shall be deemed to have been served:
- (i) on the expiration of seventy-two hours after it is posted, if the notice is mailed;
  - (ii) on the day of service, if the notice is served personally;
37. Notice of Violation shall be in such form as determined by the Administrator and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Schedule "A" hereunto attached and forming part of this bylaw that will be accepted by the Municipality in lieu of prosecution.
38. a) Upon production of a Notice of Violation issued pursuant to this Part, within fourteen (14) days from the issue thereof, together with the payment of the fee as provided in Part IV to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
- b) This does not prevent any person or corporation to exercise their right to defend any charge of committing a contravention of any of the provisions of this Bylaw.



39. Subject to Section 38 b), the payment of a fine for any offence is in default when all or any part of the fine is due and unpaid after 14 days.
40. If all or part of a fine for an offence is in default, the person to whom the ticket was issued shall continue to be liable to pay the fine imposed, and in addition, is liable to pay a late payment charge in the amount of \$40.00.
41. The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.
42. a) Any person who fails to comply with any Part, Section or subsection of this Bylaw shall also be liable for any cost of the Fire Department or Municipality for any services or activities provided respecting this Bylaw as a result of that persons contravention of this Bylaw as issued by the Fire Chief or Peace Officer.  
  
b) Pursuant to section 369 (d) of *The Municipalities Act* unpaid charges and fees shall be added to the tax roll for that property whereby the contravention was so initiated.

### **Severability**

43. If a Court of competent jurisdiction should declare any section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

### **Repeal**

44. Bylaws #6/99 and #9/2015 are hereby repealed.

### **Coming into Force**

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

Introduced and read for a first time this 23 day of May, 2019.

Read for a second time this 23 day of May, 2019.

Read for a third time and passed this 23 day of May, 2019.

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Mayor Alan Thomarat

Certified a true copy  
of Bylaw #1/19.

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Administrator Jessie Williams

**SCHEDULE "A" of BYLAW 1/2019**

<b>Section</b>	<b>Amount</b>	<b>Description</b>
22 a)	\$75.00	Person ignite open air fire when unsafe.
22 b)	\$100.00	Person ignite open air fire off of private property.
25	\$50.00	Burning to clear land
28 a	\$25.00	Cooking fire not contained in approved receptacle
28 b	\$60.00	Burning receptacle not 10 feet from combustibles
28 c	\$25.00	Receptacle not separated from grass vegetation by 40 centimeters
29 a	\$75.00	Chimney / portable fire pit used on multi unit dwelling balconies
29 b	\$75.00	Chimney / portable fire pit used indoors
29 c	\$50.00	Chimney / portable fire pit used on wooden deck
29 d	\$25.00	Receptacle not separated from grass vegetation by 40 centimeters
29 e	\$60.00	Burning receptacle not 10 feet from property line or combustibles
30	\$50.00	Fire not reasonably supervised
31	\$50.00	Burning fuel other then charcoal, cut seasoned wood, manufacture's logs
32	\$50.00	Fire not adequately ventilated
33	\$75.00	Fire set in windy conditions ( that may cause running fire or nuisance to persons)
34	\$75.00	Burn prohibited material
36	\$75.00	Fail to extinguish fire when requested
38	\$40.00	Barbecue related offences
39	\$75.00	Dispose of ashes / charcoal in non approves receptacle.
40	\$50.00	Failure to clearly display civic address or Block and Lot number