

RURAL MUNICIPALITY OF WEYBURN NO. 67

Weyburn, Saskatchewan

BYLAW No. 4-2019

A BYLAW RESPECTING MUNICIPAL FIRES

In accordance with Section 8(1) (b) of *The Municipalities Act* the Council of the Rural Municipality of Weyburn No. 67 in the Province of Saskatchewan enacts as follows:

TITLE

This bylaw shall be referred to as the "*Municipal Fire Bylaw*"

Part 1 – DEFINITIONS

1. "Administrator" shall mean the administrator of the municipality, or in their absence their designate;
2. "Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy;
3. "Burning Barrel" means a fire confined to a non-combustible structure or container;
4. "Controlled Burn" means a fire that is lit for the purpose of burning organic material including, without limitation, trees or stubble but does not include a Burning Barrel or a Smudge Fire;
5. "Council" means the Council of the Rural Municipality of Weyburn No. 67;
6. "Fire Ban" means open burning in the municipality is banned due to dry, high risk fire spread conditions.
7. "Fire Chief" shall mean the Fire Chief of the Weyburn Fire Department, or in their absence their designate;
8. "Fire Department" means the organization known as the City of Weyburn Fire Department;
9. "Fire Hazard" means any condition, circumstance or event wherein the possibility of Fire is increased;
10. "Fire Pit" means a noncombustible structure or container located on public or private property, used for recreation purposes, and constructed in accordance with this Bylaw;
11. "Fire Protection" means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advertising;
12. "Fire Protection Charge" means any or all costs incurred by the Fire Department in providing Fire Protection;
13. "Municipality" shall mean the Rural Municipality of Weyburn No. 67;
14. "Nuisance" means any condition on or around a property that is dangerous to the safety or health of individuals, or which interferes with the use or enjoyment of other properties;
15. "Occupant" means any owner, tenant, lessee, agent, licensee and any other person who has access to, and control of any land, building, dwelling or premises to which this Bylaw applies;
16. "Open Air Fire" means any fire not contained within a building or structure, but does not include industrial flare stacks, natural gas flare stacks or similarly controlled open flames;
17. "Person" means and includes a natural person, the owner, occupant or lessee of a building, property and a corporation and the heirs, executors, administrators or other legal representatives of a person;

18. "Recreational Fire" means a fire confined within a non-combustible structure or container, which is lit for the purpose of cooking, obtaining warmth or viewing pleasure and is fueled solely by clean dry wood, charcoal, natural gas or propane;
19. "Reeve" shall mean the person elected as Reeve to the municipality, or in their absence the Deputy Reeve;
20. "Smudge Fire" means a fire which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost.

Part 2 – OPEN AIR FIRES

1. In all cases, excluding legally allowed agricultural materials, smoke and fumes or other matter from an open air fire shall not cause a nuisance to others. 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 or result in fines as outlined in Part 7 of this Bylaw at the discretion of Council. The owner of the property shall be responsible for any or all damages as a result of burning.
2. Nothing contained in this Bylaw shall relieve any persons from complying with the provisions of *The Clean Air Act* and the acts and regulations passed pursuant thereto.
3. Sufficient clear space between the fire and adjacent buildings and other combustibles shall be maintained at all times.
4. In accordance with *The Prairie and Forest Fire Act, 1982*, the following acts are considered to be in excess of the above restrictions and in violation of the Bylaw, and no person shall:
 - a. Start any outdoor fire for any purpose without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
 - b. Start any outdoor fire for any purpose when weather conditions are conducive to a fire readily escaping control;
 - c. Fail to take responsible steps to control a fire for the purpose of preventing it from spreading or causing damage or becoming dangerous;
 - d. Deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire spreading;
 - e. Conduct any activity that might reasonably be expected to cause a fire to spread;
 - f. Leave the place where an outdoor fire has been started without fully extinguishing the fire.

Part 3 – FIRE RESTRICTED AREAS

1. Burning barrels, open air fires, incinerators, burning of rubbish, leaves, flammable/combustible waste materials, dangerous goods or any other similar materials not listed above are prohibited at all times within the High Profile Commercial Light Industrial District (HPC) and the Industrial District (IND).
2. Burning barrels, open air fires, burning of rubbish or other flammable/combustible waste materials or dangerous goods are prohibited at all times within any multi-lot Country Residential (CR) and Hamlet District (H).
3. In the Agricultural Resource District (AR), Country Residential District (CR) and Hamlet District (H) recreational fires may occur in a fire pit or structure with natural gas, propane, clean/dry wood or charcoal briquette .
4. In all Zoning Districts; fires may occur in a fire pit, grill, barbeque or structure that is used for cooking with natural gas, propane, clean/dry wood or charcoal briquette.

Part 4 – FIRE BAN


1. A fire ban prohibiting open fire of any kind may be issued or removed by resolution of Council.
2. Decisions for a fire ban may be influenced by forecast, the Provincial Fire Risk Map or other necessary information.
3. A fire ban shall be issued in writing and shall identify:
 - a. The time and date that the fire ban commences;
 - b. The land location(s) or Division the fire ban covers;
 - c. The time and date the fire ban is lifted, or will be reviewed;
 - d. Person or persons authorizing the fire ban;
 - e. Other information that may be in the public interest.
4. Notice of a Fire Ban shall be provided to the public.
 - a. Notice may be in the form of signs posted throughout the Municipality, in locations to be determined by the Municipality, through public service messages on the local radio station, social media or website, or by any other means which the Administrator determines is appropriate for the purpose of informing the public.
5. No person shall light or allow to be lighted a fire of any kind whatsoever during a fire ban.
6. No person shall discharge or allow to be discharged any fireworks of any kind whatsoever during a fire ban.
7. The Fire Chief may order any fire to be extinguished during any period for which a fire ban is in effect within the Municipality.
8. No person shall fail to immediately comply with an order to extinguish a fire.

PART 6 – CONTROLLED BURNS

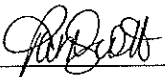
1. Any person that lights a controlled burn upon land owned or occupied by such person must report the fire in advance to the Controlled Burn Line issued by the Province and/or the Fire Department.
2. In the event no advance reporting to the Controlled Burn is made and should Fire Protection Services be dispatched to the site of the controlled burn even though the controlled burn is being supervised and under control, the owner of the parcel of land shall be responsible for Fire Protection Charges and Part 7 of this Bylaw shall apply.
3. In the event a Controlled Burn is made and should Fire Protection Services be dispatched to the site of the controlled burn, where the controlled burn may be either supervised and under control or out of control, the owner of the parcel of land may be responsible for Fire Protection Charges and Part 7 of this Bylaw shall apply.

PART 7 – FEES & FINES

1. The cost of fire prevention, suppression and emergency response services shall be charged directly on the property owner.



 REEVE



 ADMINISTRATOR

(SEAL)

Certified a true copy of bylaw number 4-2019

adopted by resolution on the _____ 12th

day of _____ June _____, 2019



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REEVE

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ADMINISTRATOR