

BYLAW NO. 03-2019

TOWN OF MARSHALL

A Bylaw of the Town of Marshall in the Province of Saskatchewan to Regulate Open Outdoor Fires and Respecting Fireworks.

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

1). **SHORT TITLE**

This Bylaw may be cited as the "**Open Outdoor Fires and Fireworks Bylaw**".

2). **PURPOSE**

For the prevention of fires and to set minimum standards for the control of fire pits, chemineas, woodstoves, fireplaces and other approved appliances in residential areas or zone within the limits of the Town of Marshall.

3). **DEFINITIONS**

- a) ADMINISTRATOR – The Administrator of the Town of Marshall.
- b) BYLAW OFFICER - Administrator/Assistant Administrator/an authorized agent working on behalf of the Town of Marshall and or Member of Council of the Town of Marshall.
- c) COUNCIL – The Council of the Town of Marshall.
- d) DEPARTMENT – The Legacy Regional Protective Fire Services.
- e) FIRE BAN – No burning of any kind within the limits of the Town of Marshall.
- f) FIRE CHIEF – The Chief of the Legacy Regional Protective Fire Services.
- g) FIRE PIT – A permanent or portable outdoor receptacle for building fires, which provides 360° view of the fire.
- h) FIREPLACE – An outdoor receptacle for building fires, complete with a fire box and chimney, which provides a 180 ° view of the fire. This includes chimeneas.
- i) FIREWORKS – Firecrackers, rockets, squibs, torpedoes, roman candles, or any other objects or substance designed to be exploded or burned to produce noises or brilliant lighting effects.
- j) FIREWORKS DISPLAY – A display of fireworks for the entertainment of the public at large.
- k) FOREMAN – The Foreman of the Public Works Department of the Town of Marshall.
- l) MUNICIPALITY – The Town of Marshall.
- m) PORTABLE BARBEQUING APPLIANCE – Any appliance sold or constructed for the purpose of cooking food outdoors, normally fueled with propane, natural gas, charcoal, or charcoal briquettes.
- n) VERTICAL BUILDING LINE – The imaginary vertical line from the edge of a building's fascia to the ground.

4). **OPEN AIR BURNING - FIRES**

- 4.1 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 within the Municipality without first having applied for a permit as shown in "**Schedule A**" of this Bylaw.
- 4.2 Permits, as shown in "**Schedule B**" of this Bylaw, will be issued after the inspection of the fire pit or fire place and upon approval by either the Foreman, the Administrator, Bylaw Officer and or the Fire Chief.
- 4.3 The Cost of the permit shall be a one-time fee of \$25.00.



- 4.4 The Municipality may issue a permit to a person or organization to set an open as part of a community event or similar special function or celebration. In this event, the Municipality may waive any requirements of this section with respects 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 Municipality.
- 4.5 The Fire Chief, or designate, may recommend to Council that all in-town burning be suspended if the winds or other conditions are not conducive to fire safety, which might also include a fire ban.
- 4.6 Notwithstanding Section 4.1, no permit shall be required to light, ignite, or start a portable barbequing appliance.
- 4.7 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.
- 4.8 Burning for land clearing purposes is strictly prohibited.
- 4.9 A permitted fire or portable barbequing appliance, which is deemed hazardous, maybe extinguished or removed by order of the Council, Bylaw Enforcement Officer, Fire Chief or any of its members.

5). EXEMPTIONS TO BURNING REGULATIONS

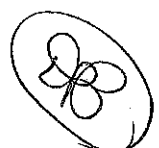
- 5.1 Notwithstanding any other provisions of this Bylaw, the Fire Chief or any other member designated by the Fire Chief may burn buildings, structures, or other materials for the purpose of training its personnel in structural firefighting methods, fire investigations procedures, elimination of hazards, or any other Municipal purposes provided that it's authorized by Council prior.
- 5.2 One copy of each license shall be delivered to the person licensed.
- 5.3 No license or renewal of a license issued pursuant to the provisions of this Bylaw may be assigned by the person or body corporate.

6). FIRE PIT SPECIFICATIONS

- 6.1 Fire pits must be located on private property in back yards only, and have a minimum clearance of 3.1 meters (10ft.) from any property line, vertical building line, or other combustible structure, including trees.
- 6.2 The height of the fire pit cannot exceed 0.9 meters (3ft.) and the outside diameter of the fire pit cannot exceed 0.9 meters (3 ft.).
- 6.3 The fire pit must be constructed of non-combustible material including cement, brick Clay (kiln dried) or sheet metal.
- 6.4 The fire pit must be covered with a heavy gauge metal screen with openings not exceeding 13 millimeters (0.5 inches).
- 6.5 Fire pit shall not be used on apartment balconies, indoor, or on wooden decks, but may be used on a non-combustible surface such as dirt, concrete, stone, etc.
- 6.6 The fire pit shall be separated from grass and any vegetation by a distance of at least 45 centimeters (1.5 ft.) by means of clean earth, sand, gravel, or other non-combustible material.

7). FIREPLACE SPECIFICATIONS

- 7.1 Fireplaces must be located on private property in back yards only, and have a minimum clearance of 1.2 meters (4ft.) from any property line, building, or other combustible structure, including trees.
- 7.2 The fireplace must be equipped with a chimney that is more than 0.5 meters (1.6 ft.) in height.
- 7.3 The fireplace chamber cannot exceed 0.25 cubic meters (8.8 cubic ft.).
- 7.4 The fireplace must be constructed on non-combustible material including cement, brick, clay (kiln dried) or sheet metal.
- 7.5 Fireplaces must be covered with a heavy gauge metal screen with openings not exceeding 13 millimeters (0.5 inches).
- 7.6 Fireplaces shall not be used on apartment balconies, indoors, or on wooden decks, but maybe used on a non-combustible surface such as dirt, concrete, stone, etc.
- 7.7 The fireplace shall be separated from grass and any vegetation by a distance of at Least 45 centimeters (1.5 ft.) by means of clean earth, sand, gravel or other Non-combustible material.



8). GENERAL REQUIREMENTS

- 8.1 Every person to whom a permit has been issued under Section 6 and 7, shall place and keep a competent person at all times in charge of the fire while it is burning or smoldering, and until it is completely extinguished, and shall provide that competent person with efficient appliances and equipment, in order to prevent the fire from getting beyond control, or causing damage, or becoming dangerous to life and property. Open air fires shall place and keep a competent person at all times in charge so as to prevent their spread and adequately ventilated to ensure proper combustion and prevent an unreasonable accumulation of smoke.
- 8.2 Small fires, temporarily for cooking and or personal warmth on private property for warmth are permitted without a permit. (With NO alternatives)
- 8.3 Every person who sets out, starts, or kindles any outdoor fire, or fails to extinguish any outdoor fires set out, started, or kindled at any time of the year, whether such fires was started under a permit or not shall be responsible for such fire and if he/she lets such fire get out of control, he/she shall be liable for all expenses incurred by the Town in controlling and extinguishing such fire, and any other damages originating from such fire, and he/she shall also be liable for the wages for all the persons employed in controlling and extinguishing such fire.
- 8.4 The fuel for open air fires shall consist only of charcoal, cut seasoned wood, or manufacturer's logs.
- 8.5 The fire shall not be set in windy conditions conducive to creating a running fire or nuisance to another person.
- 8.6 If smoke from the 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 (1) calendar year and the revoking of the permit, at the discretion of the Administrator, Bylaw Enforcement Officer, Fire Chief, and or Council.

8.7 FOR THE PURPOSE OF THIS SECTION:

- a). the fire shall be deemed out of control when it spreads beyond the boundaries of the parcel of land on which it was started, or threatened to do so, when it endangers any life, buildings, or property, when the fly ash or brands are causing or have the potential to cause damage, or when such fire is let unattended.

8.8 THE BURNING OF THE FOLLOWING MATERIALS IS PROHIBITED

- a). Rubbish;
- b). Garden Refuse;
- c). Manure;
- d). Livestock or animal carcasses;
- e). Any material, which 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, or any similar material.

- 8.9 The permittee is responsible for any or all damages as a result of the burning.

9). BARBEQUING

- 9.1 Every person who uses any barbeque or similar device shall:
 - a). Use the barbeque in a reasonable and safe manner.
 - b). Keep the barbeque, 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 barbeque is located on a firm base and firmly anchored;



- d). Refrain from leaving the barbeque unattended;
- e). Keep the barbeque 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 and natural gas be shut off at the tank valve when not in use;
- h). Ensure propane cylinders and natural gas be connected and secured to the barbeque;
- i). Ensure propane cylinders be kept in an upright position at all times, including when the cylinders are in transit, service, or storage;

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

10). FIREWORKS

- 10.1 No person shall set off, detonate, ignite, or cause to be ignited, any fireworks within the boundaries of the Town at any time whatsoever, provided that this section shall not apply to a fireworks display.
- 10.2 The Council, at their discretion, may issue a permit in writing, as shown in **Schedule "C"** of this Bylaw, authorizing a fireworks display for a special Occasion in the Municipality.
- 10.3 A permit issued under 10.2 shall prescribe to the conditions which a display of fireworks may be held in the Municipality, and no person shall conduct a display of fireworks in contravention of such prescribed conditions.
- 10.4 The fireworks must be held at a safe distance from all combustible materials and all highways, overhead wires, buildings, and other structures.
- 10.5 The fireworks must be conducted in a safe manner so that all spectators are at a safe distance and suitable fire extinguishers or other proper means of fire suppressions are at hand.
- 10.6 The fireworks must be completed no later than 11:00 p.m.
- 10.7 The Council, Bylaw Enforcement Officer, or the Fire Chief may temporarily or permanently suspend or terminate any fireworks or fireworks display if:
 - a). It is deemed threatening or becoming a danger to any property or to public health or safety.
 - b). It is inadequately equipped with fire safety or suppression equipment;
 - c). Written approval from Council has not been obtained.
- 10.8 All unused fireworks and debris created by the fireworks must be safely removed and disposed of immediately after the display.
- 10.9 The permitted is responsible for any or all damages as a result of setting off fireworks.

11). ENFORCEMENT

- 11.1 A person who contravenes any provisions of this Bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine as described in the Town's General Penalty Bylaw of not less than \$250.00 and not more than \$3000.00.

12). SEVERABILITY

- 12.1 A decision of the court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts thereof with respect to this Bylaw

13). REPEAL OF BYLAWS

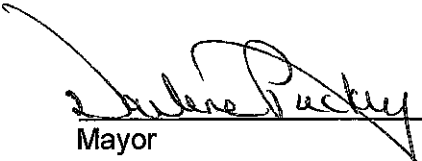
13.1 Bylaw No. 4 -88 being a Bylaw Respecting Fireworks is hereby repealed.

13.2 Bylaw No. 01 – 2007 being a Bylaw for the Prevention of Fires, the preservation of life and to set minimum standards of the control of fire pits, chemineas, wood stoves, fireplaces, and other outdoor approved appliances in residential areas or zones is hereby repealed.


Coming Into Force

a) This Bylaw shall come into force and take effect on May ²¹~~14~~, 2019.




Mayor


Administrator

Certified a true copy of Bylaw 03-2019
Adopted by resolution of Council on the
21st day of May, 2019

Administration