

## BYLAW 449-13

### A BYLAW OF THE TOWN OF CARNDUFF IN THE PROVINCE OF SASKATCHEWAN TO REGULATE OPEN OUTDOOR FIRES

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

1. This bylaw shall be referred to as the “Open Outdoor Fire Bylaw”.
2. In this bylaw:
  - “**Administrator**” shall mean the administrator of the municipality;
  - “**Council**” shall mean the council of the municipality;
  - “**Department**” shall mean the Carnduff Fire Department;
  - “**Fire Chief**” shall mean the Chief of the Carnduff Fire Department or his designate;
  - “**Member**” means a person appointed as a Fire Chief by Council or a member of the Fire Department approved by the Fire Chief;
  - “**Municipality**” shall mean the Town of Carnduff;
3. 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 without first having obtained a written permit to do so as shown in Schedule “A”, as attached hereto and forming a part of the bylaw.
  - b) The Council, in conjunction with 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. In this event, the Council 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 Council.
  - 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) A person to whom a permit has been issued under Subsection 3 a) shall prevent the fire from getting beyond control or causing damage or becoming dangerous.
  - e) Notwithstanding Subsection 3 a), 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.
  - f) 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.
  - g) Burning for land clearing purposes is prohibited.
  - h) A permitted fire, outdoor burning appliance or barbeque, which is deemed hazardous, may be extinguished or removed by order of the Council of the Municipality or Fire Chief or any member.
4. Exemptions to Burning Regulations

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 investigation procedures, for the purpose of elimination of hazards or any other municipal purposes.
5. Fire Pits
  - a) Open cooking fires shall not be set unless the following measures are taken:
    - i. Be limited to a diameter of seventy-five (75) centimeters (29.5 inches) and be contained in a non-combustible receptacle constructed of cement, brick, clay (kiln dried), or sheet metal with a minimum 18 gauge thickness;
    - ii. The receptacle must be covered with a heavy gauge metal screen with openings not exceeding 13 millimeters (0.5 inches);

- iii. The receptacle must be located on private property, a distance of at least 3.1 meters (10 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 inches) 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 noncombustible surface such as earth, concrete, stone, etc.;
  - iv. Shall be separated from grass and any vegetation by a distance of at least 40 centimeters (15.7 inches) by means of clean earth, sand, gravel or other noncombustible material;
  - v. Shall be located on private property a distance of at least 3.1 meters (10 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 log.
  - 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. All ashes must be stored or disposed of in a non-combustible receptacle.
  - vi. 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;
    - f. 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)
  - vii. 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 and the revoking of the permit, at the discretion of the Fire Chief.
- d) The permittee is responsible for any or all damages as a result of burning.

## 6. Barbecuing

- a) Every person who uses any barbecue or similar device shall:
- i. Use the barbecue in a reasonable and safe manner;
  - ii. 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);
  - iii. Ensure the portable grill or barbecue is located on a firm base and firmly anchored;
  - iv. Refrain from leaving the barbecue unattended;
  - v. Keep the barbecue in a reasonable state of repair;
  - vi. Comply will all federal and provincial regulations regarding the use and storage of propane cylinders;
  - vii. Ensure propane cylinders be shut off at the tank valve when not in use;
  - viii. Ensure propane cylinders be connected and secured to the barbecue;
  - ix. Ensure propane cylinders be kept in an upright position at all times, including when the cylinders are in transit, service or storage.

- b) When solid fuel appliances are used, provisions for the storage of ashes or hot coals is limited to approved receptacles.
7. Contravention of the Bylaw
- a) No person shall:
    - i. Fail to comply with an order made pursuant to this bylaw;
    - ii. Obstruct or interfere with any Designated Officer or any other person acting under the authority of this bylaw; or
    - iii. Fail to comply with any other provision of this bylaw.
  - b) Where the administration office or any authorized Town of Carnduff representative believes that a person has contravened any provision of this Bylaw, he/she 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.
  - c) Such notice shall be deemed to have been served:
    - 1) On the expiration of twenty-four hours after it is posted, if the noticed is mailed;
    - 2) On the day of actual delivery, if the notice is served personally; or
    - 3) On the business day following the transmission, if given by facsimile.
  - d) 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.
  - e) Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in Schedule "C" to the Administration Office 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.
  - f) Where any person contravenes the same provision of this Bylaw two or more times within one twelve month period, 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.
  - g) 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.
  - h) Every person who contravenes any provision of sub-section 7a is guilty of an offence and liable on summary conviction:
    - i. In the case of an individual, to a fine of not more than \$10,000;
    - ii. In the case of a corporation, to a fine of not more than \$25,000; and
    - iii. In the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.
8. This bylaw shall come into effect upon final passing thereof.

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Mayor

(SEAL)

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Administrator

Town of Carnduff  
Bylaw No. 449-13  
Schedule "A"  
OUTDOOR FIRE PERMIT TO BURN

Address of Outdoor Fire Appliance \_\_\_\_\_

Applicant's Name (please print) \_\_\_\_\_

Applicant's Mailing Address \_\_\_\_\_

Applicant's Phone Number \_\_\_\_\_

Attach a sketch of area where burning is to occur (include buildings, trees, other structures, etc.)

The Town of Carnduff 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 \_\_\_\_\_

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Permit No. \_\_\_\_\_

A permit to burn approved materials is hereby granted to the applicant noted above.

This permit is effective from date of issue until \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Date

Town of Carnduff  
Bylaw No. 449-13  
Schedule "B"  
BYLAW VIOLATION NOTICE

TOWN OF CARNDUFF  
BYLAW VIOLATION NOTICE

Reference Number \_\_\_\_\_

Name	
Address	

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

Bylaw No. _____	
Section #:	
Offence:	
Voluntary Payment:	

DETAILS OF ALLEGED BREACH OF VIOLATION:

Date of Violation:	
Time of Violation:	
Location of Violation:	
Other Particulars:	

**PENALTY:**

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

Payment may be made in person at the municipal office or by mail to: Town of Carnduff, Box 100, Carnduff, SK, S0C 0S0.

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

Issued this \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Signature of Designated Official

Town of Carnduff  
Bylaw No. 449-13

Schedule "C"  
Voluntary Payment Schedule

<b>Offence</b>	<b>Voluntary Payment</b>
Unauthorized Burning/Failure To Obtain a Permit (Section 3)	10% of Subsection 7(h)
Failure to Follow Fire Pit Regulations (Sub-Section 5a)	10% of Subsection 7(h)
Failure to Follow Chimney And Portable Fire Pit Regulations (Sub-Section 5b)	10% of Subsection 7(h)
Unsupervised Burning (Clause 5c (i))	10% of Subsection 7(h)
Improper Fuel for Open-Air Fires (Clause 5c (ii))	10% of Subsection 7(h)
Burning in Windy Conditions (Clause 5c (iv))	10% of Subsection 7(h)
Improper Disposal of Ashes (Clause 5c (v))	10% of Subsection 7(h)
Burning Prohibited Materials (Clause 5c (vi))	10% of Subsection 7(h)
Failure to Follow Barbecuing Regulations (Section 6)	10% of Subsection 7(h)