

## **BYLAW NO. 4-2010**

### **FIRE PIT BYLAW**

A BYLAW OF THE RURAL MUNICIPALITY OF SWIFT CURRENT NO. 137 IN THE PROVINCE OF SASKATCHEWAN, FOR THE PURPOSE OF REGULATING BURNING.

WHEREAS Council of the Rural Municipality of Swift Current No. 137 deems it expedient and in the public's interest to pass a bylaw to regulate and enforce burning within the Rural Municipality of Swift Current;

NOW THEREFORE, the council of the Rural Municipality of Swift Current No. 137, in the province of Saskatchewan, enacts as follows:

#### **SHORT TITLE**

1. This Bylaw shall be cited as "Fire Pit Bylaw".

#### **DEFINITIONS**

2. In this Bylaw, including this section, unless the context otherwise requires:
  - a. "Act" means the *Municipalities Act*.
  - b. "Council" means the Municipal Council of the Rural Municipality of Swift Current No. 137.
  - c. "Fire Chief" means the person elected by the members of the R.M. Fire Department to the position and title, and includes any person appointed by the Fire Chief to act as such Chief's delegate for the purposes of this bylaw.
  - d. "Fire Department" means the R.M. of Swift Current Fire Department.
  - e. "Fire Pit" includes fire pits, outdoor fire places, and portable fire receptacles.
    - i. "Fire pits" refers to a permanently affixed outdoor receptacle.
    - ii. "Fire place" includes enclosed and permanently affixed outdoor fire receptacles that incorporate a permanently affixed chimney or flue and is constructed of brick, rock, or other masonry.
    - iii. "Portable fire receptacles" are outdoor fire receptacles, which are not permanently affixed.
  - f. "Open Fire" means any fire that is not contained within a fire pit or stationary barbecue.
  - g. "Peace Officer" means:
    - i. A member of the Royal Canadian Mounted Police;
    - ii. A Bylaw Officer as appointed by the R.M. to enforce bylaws of the R.M.

## **FIRE PITS**

3. Fire pits should follow the below mentioned recommendations:
  - a. Be located in the rear yard with a minimum of 3.4 meters (10 feet) clearance from buildings, property lines and combustible materials measured, such as fences, decks, stacked wood, etc. from the nearest fire pit edge, or as recommended by the Fire Chief or their designates;
  - b. Be constructed of bricks, concrete blocks, clay, heavy gauge metal with a minimum 18 gauge thickness, or other non-combustible components;
  - c. Have a spark arrestor mesh screen of heavy gauge metal with openings not larger than 13 mm (1/2 inch) to contain sparks over the fire at all times;
  - d. The size of the fire pit on any receptacle must not exceed 30 inches in diameter and .61 cubic meters (21 cubic feet).
  - e. Be the sole responsibility of the owner or occupier of the property. Outdoor fires should be supervised at all times as the owner is responsible for any or all damages as a result of burning.
  - f. Burn only charcoal briquettes, propane, natural gas or wood products that are not contaminated with glue, paint, stain, resin or other preservatives. Burning of materials which produce black smoke or an offensive odour is not permitted, e.g. yard waste, garbage, rubber, plastics, tires or shingles.
  - g. Have flames no higher than ninety (90) cm (approx. 3.5 ft) above the top of the surrounding grade of the fire pit.
4. Any person who starts a propane, natural gas or charcoal barbecue or starts a fire in a fire pit that complies with Section 3 herein, shall:
  - a. Remain in charge, or keep a competent person in charge, of the barbecue or fire.
5. Any person in charge of a barbecue or fire pit shall ensure that the same:
  - a. Does not create a risk or hazard to persons or to other properties;
  - b. Does not create a nuisance, which is offensive to any other person;
  - c. Is completely extinguished before supervision of the barbecue or fire ends.
6. Any person who starts a fire, or who is in charge of a fire, on property owned or occupied by that person, shall, upon demand, pay to the Rural Municipality any and all costs incurred by the Rural Municipality to extinguish such fire when, in the opinion of a Peace Officer or the Fire Chief, the fire is a hazard to persons or to other properties.

## **FIRE BANS**

7. The Fire Chief, Saskatchewan Environment and Resource Management (SERM) or their delegates may enact a Fire Ban within the R.M. at their discretion.
8. No person shall start a fire at any place within the corporate limits of the R.M. at any time while a Fire Ban is in place.
9. Fire Pits shall not be permitted outside or near mobile homes in any trailer park within the boundaries of the R.M. of Swift Current No.137 without first having obtained a permit.

## **PERMITS**

10. Subject to subsection (9) no fire pit shall be permitted outside or near mobile homes in any trailer park within the boundaries of the R.M. of Swift Current No. 137 without first having obtained a written permit to do so from the Fire Chief or Fire Inspector, in the Form 1 shown in Schedule "C" to this Bylaw. Permits and inspections will be required annually.
11. A person to whom a permit has been issued under subsection (10), shall place a person in charge of the fire while it is burning or smouldering and shall provide sufficient equipment in order to prevent the fire from getting out of control or causing damage or becoming dangerous. The equipment to be used should consist of a garden hose connected to the water supply or a portable fire extinguisher.

## **COST RECOVERY**

12.
  - a. Where the Fire Department has taken action whatsoever for the purpose of extinguishing a fire or responding to a fire call, false alarm or incident for the purpose of preserving life or property from injury or destruction by fire or other incident on land, the Fire Chief or his designate may, in respect of any costs incurred in taking such action, charge any cost so incurred to the person who caused the fire, or to the owner or occupier of the land in respect of which the action was taken, pursuant to this Bylaw.
  - b. The costs to be charged by the Fire Department for services rendered pursuant to this Bylaw are attached to and form part of this Bylaw as Schedule "A";
  - c. In respect of any costs or fees levied or charged under this Bylaw:
    - (i) The R.M. may recover such costs or fees as a debt due and owing to the R.M.; and
    - (ii) In default of payment, where permitted by the *Municipalities Act*, add the amounts to the tax roll of a parcel of land.

**PENALTIES**

13.

- a. Any person who contravenes any provision of the Bylaw is guilty of an offence and is liable to the penalties set out in Schedule "B" which is attached to and forms part of this Bylaw.
- b. If any person is issued a Municipal Ticket in respect of an offence, they may pay the fine amount established by this Bylaw for an offence at the R.M. of Swift Current office located at 2024 South Service Road West, Swift Current, Saskatchewan S9H 5J5 and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- c. A Peace Officer or the Fire Chief is hereby authorized and empowered to issue a violation ticket to any person who the Peace Officer or the Fire Chief has reasonable grounds to believe has contravened any provision of this Bylaw.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Administrator

Certified a true copy of the Bylaw passed by the Council of the R.M. of Swift Current No.137 this \_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Administrator

SCHEDULE A  
COST RECOVERY

The Fire Department may charge:

1. \$750.00 per hour per unit dispatched, up to a maximum of \$3,500.00 for residential ratepayers and \$5,000.00 for commercial ratepayers.
2. The cost of replacement of equipment and/or materials used, lost or damaged as a result of the response.

SCHEDULE B  
PENALTIES

SECTION	OFFENCE DESCRIPTION	PENALTIES
4 a	Non-supervision of fire 1 <sup>st</sup> Offence 2 <sup>nd</sup> and subsequent offence	\$100.00 \$250.00 + recovery costs as per Schedule A
5 a, 5 b	Creating a risk, nuisance or Not extinguishing fire 1 <sup>st</sup> offence 2 <sup>nd</sup> and subsequent offence	\$100.00 \$250.00 + recovery costs as per Schedule A
8	Fire during a Fire Ban 1 <sup>st</sup> offence 2 <sup>nd</sup> and subsequent offence	\$200.00 \$350.00 + recovery costs as per Schedule A
9	Fire outside a mobile home 1 <sup>st</sup> offence 2 <sup>nd</sup> and subsequent offence	\$100.00 \$250.00 + recovery costs as per Schedule A

SCHEDULE C  
PERMIT

Form 1

**Rural Municipality of Swift Current No. 137**

**PERMIT TO INSTALL A FIRE PIT**  
**Schedule "C" to Bylaw No. 4-2010**

Permit No. \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_

Permit is hereby issued to: \_\_\_\_\_ Phone: \_\_\_\_\_

Residing at: \_\_\_\_\_

be allowed to build and/or renew a fire pit according to the requirements of the Fire Pit Bylaw No. 4-2010 for the sole purpose of enjoying a fire. Also, that a competent person will be in charge of the fire at all times.

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Fire Inspector