

TOWN OF WOLSELEY BYLAW NO. 3-2014

A BYLAW OF THE TOWN OF WOLSELEY TO REGULATE AND CONTROL OUTDOOR/RECREATIONAL FIRES.

WHEREAS, pursuant to the provisions contained in *The Municipalities Act (2005)*, Councils may by bylaw, regulate, prohibit and impose requirements in relation to the protection and well-being of its community;

AND WHEREAS, this Bylaw is governed by the provisions and regulations of *The Fire Prevention Act, 1992*;

AND WHEREAS, the provisions of this Bylaw shall be administered and enforced by the Town Administrator and Fire Chief who is also the Town of Wolseley's "Fire Inspector", and the local assistant to *The Fire Prevention Act, 1992*.

AND WHEREAS, Council deems it expedient and desirable to provide such regulations;

NOW THEREFORE, the Council of the Town of Wolseley, in an open meeting of Council, enacts as follows:

PART I – SHORT TITLE

1. This Bylaw may be cited the Recreational Fire Bylaw.

PART II – DEFINITIONS

2. In this Bylaw,

"COUNCIL" means the Municipal Council of the Corporation of the Town of Wolseley;

"FIRE" includes any combustion whether or not any flame is present or visible;

"FIRE CHIEF" means the person who is appointed to be the head of the Town of Wolseley Fire Department and every person designated by Council by name of office or otherwise to act in the place of Fire Chief;

"OCCUPANT" means an owner, tenant, lessee, agent, licensee and any other person who has the right of access to, and control and land, building or premises to which this Bylaw applies;

"PERSON" includes a corporation, partnership or part, and the personal or other legal representatives of a person to whom the context can apply according to this Bylaw;

"TOWN" means the Town of Wolseley.

PART III – PROHIBITED FIRES

3. Subject to the provisions of Part IV, a person shall not cause or permit a fire on land they own or occupy within the boundaries of the town.
4. No person shall cause or permit to be caused, the burning of trash, refuse, garbage, industrial waste or any waste material in an incinerator or receptacle, commonly referred to as a "burning barrel".

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PART IV – EXCEPTIONS

5. a) cooking food using an appliance designed and intended for that purpose and fuelled by liquid petroleum gas, natural gas, preservative free wood or wood products, or charcoal;
- b) a recreational fire fuelled by preservative free wood or wood products but only if such fire is within a fire pit or fireplace meeting the standards of Part V of this Bylaw, and for which a permit has been issued by the Town (Schedule A).
- c) an outdoor fire as part of a block party, community event or similar function or celebration for which a permit has been issued by the Town (Schedule B).

PART V – FIRE PIT STANDARDS

6. A fire pit may be used for a recreational fire fuelled by preservative free wood or wood products only if:
 - a) it is located at least three meters from any building, property line or combustible material;
 - b) the sides of the fire put are fully enclosed and constructed from brick; concrete block, heavy gauge metal or other non-combustible material; and
 - c) the opening of the fire pit is:
 - 1) no more than one meter across;
 - 2) no more than 60 centimeters above the surrounding surface grade; and
 - 3) no less than 15 centimeters above the surrounding surface grade; and
 - 4) covered with a non-combustible mesh screen with openings no greater than 1.25 centimeters across.

PART VI – FIREPLACE STANDARDS

7. A fireplace may be used for a recreational fire fuelled by preservative free wood or wood products only if:
 - a) it is located at least one meter from any building, property line or combustible material;
 - b) it is constructed entirely from brick, concrete block, heavy gauge metal or other non-combustible material;
 - c) the base of the fire burning area is at least 30 centimeters above the surrounding surface grade;
 - d) the fire burning area is no more than 1.25 meters wide and between 40 and 60 centimeters deep;
 - e) it has a chimney that extends at least 2.5 meters above the base of the fire burning area; and
 - f) it has a chimney covered with a non-combustible mesh screen with openings no greater than 1.25 centimeters across.

PART VII – FEES

8. a) There is no fee for a permit application in relation to Schedule A, however, should the Town receive a written complaint or for any other reason an inspection is required, a \$10.00 fee may apply, should noncompliance with this bylaw be determined as a result of the inspection by the Fire Chief.
- b) The fee for a permit application in relation to Schedule B is \$10.00 and payable to the Town of Wolseley.

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PART VIII – PENALTIES

9. Every person who violates any of the provisions of this Bylaw, or who permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrain from doing anything required to be done by any of the provisions of this Bylaw, shall be guilty of a fine of not more than \$500.00.
10. The cost of mitigating fires will be assessed at the rate of \$825.00 per hour for fire trucks and \$25.00 per hour for every fire fighter.

PART IX – OWNER LIABILITY

11. Where a person who owns land contravenes or fails to comply with any provision of this Par, the person is liable for the expenses and costs related to the Town extinguishing any related fires on the land.

PART X – COMING INTO FORCE

12. Bylaw No. 2-2003 is hereby repealed.
13. This Bylaw shall come into force on the day of its final passing.

READ a first time this 23rd day of APRIL, 2014.

READ a second time this 23rd day of APRIL, 2014.

MOTION TO READ A THIRD AND FINAL TIME.

READ a third time and adopted this 23rd day of APRIL, 2014.

Troy Kyle

Acting Mayor

Candice Quintyn

Administrator

{ SEAL }

SCHEDULE "A"
APPLICATION FOR A PERMIT TO CONSTRUCT OR OPERATE A BACKYARD FIRE PIT.

APPLICATION is hereby made in accordance with the provisions of the Town of Wolseley's Bylaw No. 3-2014 by:

Name(s): _____

Mailing Address: _____

Civic Address: _____

Phone Number(s): _____

I/We, the undersigned, hereby apply for a permit under Section 3, Bylaw 3-2014 of the Town of Wolseley to construct and/or operate a back yard fire pit to be used for recreational purposes only.

I/We have been given a copy of Bylaw 3-2014 and understand the regulations therein, including Part V, the standards for fire pits and/or Part VI the standards for fireplaces.

I/We further understand that preservative-free wood or wood products only may be used in the said fire pit or fireplace.

I/We have submitted a site plan of the back yard and the proposed fire pit/fireplace, which shows compliance with Part V and Part VI of Bylaw 2-2014.

Signature(s) of Property Owner(s)

Date

TOWN OF WOLSELEY – PERMIT TO CONSTRUCT OR OPERATE A BACKYARD FIRE PIT

Permit #: _____

Date: _____

I have reviewed the site plan for a back yard fire pit or fireplace located at _____ and have determined that it appears to comply with regulations and standards. Permission is hereby granted in accordance with the provisions of Bylaw No. 3-2014.

Signature of Town Official

Date

The Town of Wolseley accepts no responsibility for liability or costs incurred as a result of authorizing this permit.

THIS PERMIT IS NOT TRANSFERABLE

SCHEDULE "B"
APPLICATION FOR A SPECIAL PERMIT FOR AN OPEN-AIR FIRE.

APPLICATION is hereby made in accordance with the provisions of the Town of Wolseley's Bylaw No. 3-2014 by:

ORGANIZATION INFORMATION

Please Print

Group or Organization: _____

Contact: _____

Address: _____

Phone Number(s): _____

FOR A SPECIAL PERMIT TO LIGHT AN OPEN-AIR FIRE ON:

the _____ day of _____, 20__ at _____
(Location)

from _____ a.m./p.m. to _____ a.m./p.m.

Signature of Property Owner

TOWN OF WOLSELEY – SPECIAL PERMIT

PERMISSION is hereby granted in accordance with the provisions of the Town of Wolseley Bylaw No. 3-2014 to:

Name of Organization: _____

Address & Telephone #: _____

For the open-air fire on the ____ day of _____, 20__ at

_____ from _____ a.m./p.m. to _____ a.m./p.m.
(Location)

\$10.00 fee has been paid

Issued at the Town of Wolseley, Saskatchewan, this ____ day of _____, 20__.

Signature of Town Official

The Town of Wolseley accepts no responsibility for liability or costs incurred as a result of authorizing this permit.

THIS PERMIT IS NOT TRANSFERABLE