



Bylaw #2021-03

## **A BYLAW TO REGULATE OPEN AIR FIRE RECEPTACLE OR APPLIANCES IN THE HAMLET OF WROXTON**

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The Council of the R.M. of Calder No. 241, in the Province of Saskatchewan enacts as follows;

### **1. TITLE:**

This Bylaw maybe cited as the Open Air Fire Receptacle or Appliance Bylaw.

### **2. PURPOSE:**

This bylaw of the Rural Municipality of Calder No. 241 in the Province of Saskatchewan is for the purpose to regulate open air fire receptacle or appliances within the Hamlet of Wroxton.

### **3. DEFINITIONS:**

1. In this Bylaw:
  - a) " Chief" means the Chief of the Fire Departments for the R.M. of Calder No. 241, or such other person who may be appointed by Council to carry out the provisions of this bylaw;
  - b) "Council" means the Council of The Rural Municipality of Calder No. 241.
  - c) "Open Air Fire" means any fire intentionally lit on private property for the enjoyment of the property's resident;
  - d) "Outdoor Fire Appliance or receptacle" means a device designed specifically for the purpose of burning charcoal or seasoned wood;
  - e) "Hamlet of Wroxton" mean the Hamlet within the Boundaries of the R.M. of Calder No. 241.

### **4. REGULATIONS:**

**In this Bylaw the following regulations apply;**

1. Open air fires shall not be set unless the following measures are taken to ensure limiting the spread of the fire, as follows;
  - a) Fires must be contained in a non-combustible receptacle constructed out of cement, brick or sheet metal with a minimum 18 gauge thickness;
  - b) A receptacle must be covered with a heavy gauge metal screen with openings not exceeding 13mm or ½ inch; and
  - c) The size of the fire box or any receptacle , must not exceed 35 inches by 35 inches and shall not exceed 36 inches in height;
2. The fuel for open –air fires may consist only of charcoal or cut seasoned wood. The burning of the following materials if prohibited;
  - a) Rubbish;
  - b) Garden refuse;
  - c) Manure;
  - d) Livestock or animal carcasses;
  - e) Any material classified as a dangerous good; and
  - f) Any material which when burned will generate black smoke or an offensive odor including insulation from electrical wiring or equipment. Asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosoted wood or any similar material.



Bylaw #2021-03

## **A BYLAW TO REGULATE OPEN AIR FIRE RECEPTACLE OR APPLIANCES IN THE HAMLET OF WROXTON**

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3. The fire receptacle shall be located on private property with a minimum of 4 meters (13 feet) from any property line, building or combustible structures, or from trees and vegetation.
4. Open air fire shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
5. Open air fires shall be adequately ventilated to ensure proper combustion and to prevent and unreasonable accumulation of smoke.
6. If smoke from an open air fire causes an unreasonable interference with the use of enjoyment of another person's property, the fire shall be extinguished immediately.
7. Open air fires shall not be allowed prior to 11:00 a.m. and all fires SHALL be extinguished not later than 12:00 a.m.
8. If due excessive flames and/or smoke of any residential open air fire receptacle or appliance and a call is placed to the local fire department and firefighters are dispersed, the owner of the fire receptacle or appliance will be liable for all fire costs incurred and maybe assessed a fine under the bylaw.
9. The Fire Chief of either Roblin Fire Department or Rhein Fire Department or The Municipal Bylaw Officer shall at all times, have access and authority to inspect any open air fire appliance or receptacle and determine the compliance with this Bylaw in the matter of care and control of any open air fires.
10. Nothing contained in this Bylaw shall relieve any person from complying with all relevant laws, regulations or bylaws and in particular, with the provisions of The Air Pollution Control Act, The Saskatchewan Fire Code Regulations, The Fire Prevention Act, 1992 of the Province of Saskatchewan and the regulations passes pursuant thereto.

### **5. ISSURANCE OF A FIRE BAN:**

1. The Council of the municipality may by emergency situation or resolution, issue, amend or cancel a fire ban for the Hamlet of Wroxton;
2. Any BAN issued pursuant to this Bylaw may include any or all of the following: open air fires receptacle or appliance.

### **6. OFFENCES:**

1. When a fire ban is in effect, any person who contravenes the Fire Ban may be subject to the Penalties established under section 7 of this Bylaw.

Bylaw #2021-03

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**7. PENALTIES**

1. Every Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to:
  - (a) A minimum of Two Hundred and Fifty Dollars (\$ 250.00) for a first offence; and
  - (b) A minimum of Five Hundred Dollars (\$500.00) for a second or subsequent offence.
2. Upon receipt of notice of violation, full payment must be received by the Municipality within Fourteen (14) days from the date of notice.

**8. ENFORCEMENT:**

1. A Municipal Bylaw Enforcement Officer or member of the Royal Canadian Mounted Police have the authority to serve violation notice on any such person they believe to have breached the conditions of this Bylaw.
2. The Fire Chief, Municipal Council and or the Municipal Bylaw Officer, has the authority to disallow any outdoor open air fire receptacle or appliance which is deemed dangerous or which does not adhere to the articles in this bylaw.

**9. AUTHORITY**

1. WHEREAS Section 8(1)(b) of *The Municipalities Act* provides general power to pass any bylaws for the purposes of the municipality that it considers expedient in relation to matters respecting the safety, health and welfare of people and the protection of people and property;

**10. COMING INTO FORCE:**

1. This bylaw shall come into force and effect upon third and final reading.



Reeve – Roy Derworiz

Administrator – Shandy Wegwitz

CERTIFIED THAT the adoption of this bylaw was passed by a resolution of the Council of the Rural Municipality of Calder No. 241 at a duly convened meeting held on the **18th** day of **June, 2021**

ADMINISTRATOR:

*Shandy Wegwitz*