

TOWN OF LANIGAN

BYLAW 7/2019

A BYLAW OF THE TOWN OF LANIGAN, IN THE PROVINCE OF SASKATCHEWAN TO REGULATE OPEN AIR FIRES, FIREWORKS, THE CONSTRUCTION AND USE OF FIRE PITS AND OUTDOOR FIREPLACES.



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

PART 1 – SHORT TITLE AND INTERPRETATION

SHORT TITLE

- 1) This bylaw shall be referred to as the “Fire Management Bylaw”.

PURPOSE

- 2) The purpose of this bylaw is to:
 - a) To provide for public safety in times of extreme fire hazard conditions;
 - b) To restrict or eliminate the use of fire and fireworks within the municipality in areas of fire danger;
 - c) To attempt to minimize the risk of accidental fire;
 - d) To regulate open fires, fireworks and burning of any kind;
 - e) To provide the ability of Council to issue a Fire Ban due to extreme fire hazards.

DEFINITIONS

- 3) In this bylaw:
 - a) “Adult” means any responsible person 18 years of age;
 - b) “Council” means the Council for the Town of Lanigan;
 - c) “Fire Chief” means the Fire Chief for the Lanigan & District Fire Department;
 - d) “Fire Inspector” means a Fire Inspector for the Province of Saskatchewan;
 - e) “Fireworks” means any article defined as a firework pursuant to The Canada Explosives Act or any Regulations thereto, shall also include Low Hazard Fireworks and High Hazard Fireworks and Manufactured Fireworks and include fireworks for recreation such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers and rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, waterfall, fountains, mines and firecrackers, or any firework composition that is enclosed in any case or contrivance or is otherwise manufactured or adapted for the production of pyrotechnic effects, signals or sound but does not include sparklers, Christmas crackers, caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive per cap.
 - f) “Open-air fire” means a fire built in the open air, for warmth, entertainment, or celebration, to burn charcoal or cut, seasoned wood;
 - g) “Peace Officer” means any member of the Royal Canadian Mounted Police, or any other police service responsible for the policing of the Town of Lanigan or any person specifically appointed by the Town of Lanigan or the Province of Saskatchewan to be a Police Officer, Constable, Special Constable or Auxiliary Constable; and
 - h) “Town” means the Town of Lanigan

PART 2 – GENERAL LIMITATIONS

OPEN-AIR FIRES

- 4) (1) Open-air fires shall not be set unless the following measures are taken to limit their spread:

- a) fires shall be contained in a non-combustible receptacle constructed of cement, brick or sheet metal with a minimum 18-gauge thickness;
 - b) a receptacle shall be covered with heavy gauge screen with openings not exceeding 13 millimeters (1/2 inch); and
 - c) the size of the fire box of any receptacle shall not exceed one (1) meter (3 feet) in width, height or diameter when measured between the widest points.
- (2) The fuel for open-air fires shall consist only of charcoal or cut, seasoned wood. Burning of the following material is prohibited:
- a) waste including trash, slimes, garden refuse, manure, tree or shrub branches, leaves, grass, painted or treated lumber, tailings, garbage, scrap, livestock, or animal carcasses;
 - b) any material which when burned will generate black smoke or an offensive odour including plastics, rubber materials, creosoted wood, rubber tires, lumber treated with wood preservatives or any similar material; and
 - c) any materials classified by the authority having jurisdiction as being hazardous material or dangerous goods.
- (3) All open-air fires shall be supervised by an adult so as to prevent the spread of fire.
- (4) Open-air fires shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.
- (5) Open-air fires shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
- (6) If smoke from an open-air fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire shall be extinguished immediately.
- (7) Fire pits or outdoor fireplaces shall be clear of overhangs such as tree branches, utility lines and structures.
- (8) All fire pits or outdoor fireplaces shall be located a minimum of three (3) meters (10 feet) from any combustible material, building, porch, deck, similar amenity space and property line.
- (9) All fire pits or outdoor fireplaces shall not be used on combustible decks or porches.
- (10) All fire pits or outdoor fireplaces shall be situated on a non-combustible surface.
- (11) Any person that uses a fire pit or outdoor fireplace shall ensure that a means of extinguishing the fire is readily accessible at all times while the fire is burning.
- (12) Fire pits or outdoor fireplaces shall not be used between 1:00 a.m. and 9:00 a.m. on all days.
- (13) Where requested by the Fire Chief, a Fire Inspector or a peace officer, a person shall extinguish a fire in a fire pit or outdoor fireplace.

FIREWORKS

- 5) (1) Subject to 5)(2) hereof no person shall sell fireworks in the Town of Lanigan.
- (2) The Council may authorize a designated person or officer of the Town to issue to any person or persons, a permit, in writing, authorizing the sale in the Town of fireworks or any class thereof as may be specified in the permit, the duration of which permit may be specified therein.
- (3) Subject to 5)(4) hereof, no person shall set off, detonate, ignite, or cause to be exploded any fireworks in the Town.
- (4) a) The Council may authorize a designated person or officer in writing to issue to any person or persons, a permit in writing, authorizing the setting off in the Town or in any part or parts of the Town, as may be specified in the permit, of Fireworks or any class thereof as may be specified in the permit the duration of which permit may be specified therein.
- b) A permit issued under clause (4) a) of this section shall prescribe the conditions under which a display of fireworks or any specified class or classes thereof may be held in the Town or in any specified part or parts of the Town

and no person shall conduct a display of fireworks in contravention of such prescribed conditions.

PART 3 – FIRE BANS

- 6) (1) The municipality may impose Fire Ban's from time to time as deemed necessary for the protection of private property and general public safety.
- a) The Council by resolution are empowered to declare when a Fire Ban is in effect, the Fire Ban notification will include the time and date the Fire Ban Commences.
 - b) The Council by Resolution shall be empowered to declare when a Fire Ban ends.
 - c) The Municipality will communicate Fire Bans that are in effect and when they end by posting such notice at the municipality administration office, in the local newspaper, on its website, on the Town of Lanigan social media sites and through a mail drop.

PART 4 - OFFENSES

- 7) (1) Any person convicted of an offence under any Section of this bylaw shall forfeit and pay a fine of not less than;
- a) First Offence: \$200.00
 - b) Second Offence: \$400.00
 - c) Third and each subsequent offence: \$600.00 exclusive of all costs.

PART 5 – LIMITATION OF PROSECUTION

- 8) (1) This Bylaw shall come into force and take effect on the day of approval by the Council of the Town of Lanigan.
- (2) If any part, section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

PART 6 – REPEAL

- 9) That Bylaw 04/1993 – A Bylaw Respecting Fireworks be Repealed.

Mayor

[SEAL]

Administrator

Read a third time and adopted
this ___ day of _____

Administrator

Schedule A to Bylaw No 7/2019

BYLAW VIOLATION NOTICE

Reference No. ____

NAME OF MUNICIPALITY _____

BYLAW VIOLATION NOTICE

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 and time of violation
- Location of violation
- Other particulars – descriptions

PENALTY:

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

Payment may be made in person at the municipal office or by mail Town of Lanigan Box 280 Lanigan, SK S0K 2M0

If the voluntary payment indicated above is not received by [specified date], a summons requiring your appearance in provincial court will be issued.

Issued this [date] by [name of Designated Officer]

Signature of Designated Official