

BYLAW 2017-07

A BYLAW OF THE TOWN OF HERBERT, IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE CONTROL AND REGULATION OF FIRE-PITS AND FIREWORKS

WHEREAS, section 8(1) of the *Municipalities Act* authorizes a Council to pass any bylaw that is considered expedient for the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Council of the Town of Herbert deems it expedient to provide for the control and regulation of fire pits and fire-works within the town of Herbert.

THE COUNCIL OF THE TOWN OF HERBERT, IN THE PROVINCE OF SASKATCHEWAN, ENACTS THE FOLLOWING:

1.0 This Bylaw shall be cited as the “Fire-Pits and Fireworks Bylaw”

2.0 PURPOSE

The purpose of this Bylaw is:

- 2.1 To provide for the use and regulation of open air fires and;
- 2.2 To regulate the setting off of fire-works;

3.0 DEFINITIONS

For the purpose of this bylaw the expression:

- 3.1 “TOWN” means the Town of Herbert
- 3.2 “COUNCIL” means the Council of the Town of Herbert
- 3.3 “FIREWORKS” means fireworks as defined in the *Explosives Regulations, C.R.C., c.599*;
- 3.4 “DISPLAY SUPERVISOR” means a person licensed or approved by the Chief Inspector of Explosives, Department of Energy, Mines and Resources to handle and use Subdivision 2 of Division 2 fireworks;
- 3.5 “HIGH HAZARD FIREWORKS” means Subdivision 2 of Division 2 fireworks as defined in the *Explosives Regulations, C.R.C., c.599*;

- 3.6 “LOW HAZARD FIREWORKS” means Subdivision 1 of Division 2 fireworks as defined in the *Explosives Regulations*, C.R.C., c.599;
- 3.7 “MUNICIPAL INSPECTOR” means a Municipal Inspector within the meaning of *The Saskatchewan Fire Safety Act* ;
- 3.8 “PRIVATE FIREWORKS DISPLAY” means the discharge of low hazard fireworks for private recreation and entertainment; and
- 3.9 “PUBLIC FIREWORKS DISPLAY” means the discharge of high or low hazard fireworks for public recreation and entertainment.

4.0 REGULATIONS

4.1 OPEN-AIR FIRES

- 4.1.1 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) the size of the fire box of any receptacle shall not exceed ~~3 feet~~; 30 inches
 - (c) must be built into or on bare ground, or a non-combustible surface such as patio stones, brick, or patio blocks.
 - (e) not within three meters (10 feet) of property line buildings or fence, or beneath any utility lines, trees, branches or other combustible materials.
 - (f) must have permit approved with the town office.
- 4.1.2 The fuel for open-air fires shall consist only of charcoal or cut, seasoned wood. The burning of the following material is prohibited:
- (a) rubbish;
 - (b) garden refuse, excluding dry tree trimming and twigs;
 - (c) manure;
 - (d) livestock or animal carcasses; and

(e) any material which when burned will generate black smoke or an offensive odour including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosoted wood or any similar material, unless such use is permitted under *The Environmental Management and Protection Act* and is conducted in a manner acceptable to Saskatchewan *Ministry of Environment*.

- 4.1.3 Open-air fires shall be reasonably supervised so as to prevent their spread, and kept to a reasonable size.
- 4.1.4 Open-air fires shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.
- 4.1.5 Open-air fires shall not be set in windy conditions conducive to creating a running fire hazardous to another person's property.
- 4.1.6 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.
- 4.1.7 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 Department may waive any requirements of this Section with respect to the permitted open-air fire, but the permittee shall comply with all other requirements of this Section and any other conditions attached to the Permit by the Department.
- 4.1.8 Chimineas are allowed to be placed on any non-combustible surface as outlined in Sec.4.1.1 (a) above, and must comply with Sec.4.1.1 (b) through Sec.4.1.1 (e) inclusively.
- 4.1.9 The Fire Chief or Deputy Fire Chief may issue a fire ban where no open fires are permitted at any time when it is deemed to present a risk to the community.

5.0 SALE OF FIREWORKS

- 5.1 No person shall sell any high hazard fireworks to another person unless the person is a Display Supervisor and holds a valid card issued by Natural Resources Canada.
- 5.2 No person shall sell any low hazard fireworks to person unless the person is 18 years of age or older.

6.0 FIREWORKS DISPLAYS

- 6.1 A public fireworks display shall only be held in public locations approved and designated by the Department.
- 6.2 No person shall hold a public fireworks display without first obtaining a permit from the Town.
- 6.3 A public fireworks display shall be held at the time and location set out in the permit.
- 6.4 A permit for a public fireworks display using high hazard fireworks shall only be issued to persons holding a valid Display Supervisor card issued by Natural Resources Canada. Applicants with Display Supervisor accreditation from other jurisdictions shall not receive a permit unless the Department is satisfied that the applicant is properly trained and qualified in the use of high hazard fireworks.
- 6.5 The applicant for a permit for a public fireworks display using high hazard fireworks shall procure and provide to the Department at least 7 days prior to the scheduled date of the display, a Certificate of Insurance which shall name the Town as insured under the applicant's insurance policy. The Insurance Certificate shall indicate that the Applicant has at least \$1,000,000.00 of public liability insurance.
- 6.6 A public fireworks display using high hazard fireworks shall only be held if the display is conducted under the direct supervision of a Fireworks Supervisor.
- 6.7 In accordance with Article 5.1.1.2 of *The National Fire Code 2010*, a public fireworks display using high hazard fireworks shall be conducted in conformance with the current "Fireworks Display Manual" prepared by Natural Resources Canada.

- 6.8 At the conclusion of the public fireworks display, all unused fireworks and debris shall be immediately removed and disposed of by the person holding the permit to conduct the display.

7.0 SETTING OFF FIREWORKS

- 7.1 No person shall set off any fireworks in a manner that would create a danger or nuisance to another person or property.
- 7.2 No person shall set off any fireworks on a public street, private or residential property except as part of a public fireworks display as permitted by this Bylaw.
- 7.2.1 A permit for a private fireworks display using low hazard fireworks out at a designated park or open green space area within Town limits may be issued by the Department, providing the applicant complies with the guidelines and regulations set out in the permit.
- 7.3 No person shall set off any fireworks on a school site without the prior written consent of the Board of Education that owns the site, and without first obtaining a Public Fireworks Display permit from the Department.
- 7.4 No person under 18 years of age shall set off any fireworks.
- 7.5 No parent or guardian of a child under 18 years of age shall suffer or permit the child to set off any fireworks, except when under the direct supervision of the parent or guardian.

8. NOTICE OF VIOLATION OFFENCES

- 8.1 Every person commits an offence who:
- 8.1.1 contravenes the provisions of Section 1 regarding the setting of open-air fires; or
- 8.1.2 contravenes the provisions of Section 3, regarding the setting off of fireworks.
- 8.2 When a contravention of this bylaw occurs, the person responsible for the contravention is guilty of an offence and liable on summary conviction to a fine:
- 8.2.1 for the first offence, of \$100.00.

8.2.2 for a second offence, of \$200.

8.2.3 for a third or subsequent offence, of not less than \$200 and not more than \$2,000 in the case of an individual or \$5,000 in the case of a corporation.

8.3 The following procedure shall apply to offences committed under this bylaw:

8.3.1 the Fire Chief or CAO may issue a notice of bylaw violation to any person committing a first or second offence. The notice shall require the person to pay to the Town the amount specified in clause 8.2; 8.2.1 or 8.2.2;

8.3.2 the fine may be paid:

(a) in person, during regular office hours, to the cashier located at the Town Office, Herbert, Saskatchewan,

(b) by mail addressed to the Town of Herbert, Box 370, Herbert, Saskatchewan, S0H 2A0. If paying by cheque, please have it made out to Town of Herbert.

(c) if payment of the fine as provided in clause 8.2.1 or 8.2.2 is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence;

(d) the amount of the fine under clause 8.2.1 or 8.2.2 shall be discounted to the sum of \$50.00 for a first offence and \$100.00 for a second offence if paid within 10 calendar days of the date of the notice of bylaw violation. The date of payment shall be determined as follows:

(i) for payment in person, the date of payment shall be the date payment is received by the Town,

(ii) for payment by mail, the date of payment shall be the post marked date on the remittance.

(iii) Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

(e) If payment is not received within 20 calendar days of the notice of bylaw violation, a summons may/will be issued.

8.4 The provisions of Subsection 8.3 shall not apply in the case of a third or subsequent offence.

COMING INTO FORCE

This Bylaw comes into force on the day of its adoption.

MAYOR

SEAL

ADMINISTRATOR

Read a third time and adopted this 24th day of July, 2017