

TOWN OF MINNEDOSA

BY-LAW NO. 2514

BEING A BY-LAW OF THE TOWN OF MINNEDOSA TO REGULATE OPEN AIR FIRES
WITHIN THE TOWN OF MINNEDOSA.

WHEREAS subsection 232(1)(a) of The Municipal Act authorizes a council to pass by-laws for the purposes respecting the safety, health, protection and well being of people and the safety and protection of property;

AND WHEREAS its is deemed necessary and expedient to pass a by-law for the purpose of regulating open air fires and acceptable outdoor burning appliances;

NOW THEREFORE the Council of the Town of Minnedosa in regular session assembled enacts as follows:

1. This by-law may be cited as the 'Open Air Fire By-Law'.
2. All measurements found in this by-law shall be adhered to unless otherwise specified recommendations from the manufacturer are greater.

PART 1 – DEFINITIONS

3. In this by-law:

(a) "ACCEPTABLE FIRE PIT" means an outdoor receptacle that meets the following specifications:

- (i) a minimum of 3.7 meters (12 feet) clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
- (ii) the fireplace is constructed of materials that are heat and flame resistant;
- (iii) the fireplace is equipped with a secured chimney that is not more than 2.5 meters (8 feet) in height when measured from the base of the burning area;
- (iv) the fireplace chimney is equipped with a regulation screen no larger than 1.25 cm (0.5 inches) and constructed of expanded metal (or equivalent non-combustible materials) and is designed to contain and reduce the hazards of airborne sparks; if no chimney is used the same regulation screen is required;
- (v) the base of the fire burning area is not less than 0.3 meters (12 inches) above the surrounding grade;
- (vi) the base of the fire burning appliance shall be placed upon a non-combustible surface such as earth, concrete, metal or other non-combustible materials;
- (vii) outdoor solid fuel appliances shall be located on a flat, level and non-combustible base clear of overhangs such as roofs, tree branches and utility wires; and
- (viii) the fireplace or outdoor burning device shall not be used to burn prohibited debris.

(c) "MINNEDOSA FIRE DEPARTMENT" means the Minnedosa Fire Department as established and organized by the Town of Minnedosa pursuant to the provisions of the current by-law in effect.

(d) "BURNABLE DEBRIS" means materials other than Prohibited Debris burned in accordance with the Open Air Fire Permit and all applicable statutes and by-laws, including but not limited to materials such as: charcoal, cut or seasoned wood.

(e) "TOWN" means the Town of Minnedosa.

(f) "FIRE CHIEF" means the Manager of the Minnedosa Fire Department for the Town of Minnedosa who performs the duties and responsibilities of a General Manager/Fire Chief, or his designate.

(g) "PROHIBITED DEBRIS" means any inflammable waste that, when burned, may result in the release to the atmosphere, dense smoke, offensive odors or toxic substances as defined in any applicable statutes and by-laws including but not limited to non-wooden material, tires, used oil, treated lumber and household refuse.

PART 2 – OPEN AIR FIRES PROHIBITED

4. Exempt from this By-Law:

- (a) the cooking of food using a Portable Barbecuing Appliance;
- (b) burning in fireplaces in or attached to dwellings as provided by legislation;
- (c) burning in an incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation;
- (d) burning by the Minnedosa Fire Department for the purpose of training its members, or reducing the risk of wildfires (controlled burns).

5. A person to who lights a fire shall not leave the fire unattended at any time while its burning or smoldering and shall ensure that sufficient appliances and equipment to prevent the fire from getting beyond control, or causing damage or becoming dangerous are at the fire site.

PART 3 – REGULATIONS

GENERAL

6. Material which may be burned in an open fire as permitted under this by-law shall consist only of charcoal or cut, seasoned wood, or commercially approved fire logs. The burning of Prohibited Debris and the following material is prohibited:

- (a) rubbish;
- (b) garden refuse, lawn clippings or leaves;
- (c) manure;
- (d) livestock or animal carcasses;
- (e) any material classified as a dangerous good, and 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, creosote wood, or any similar material.

7. Fires shall be reasonably supervised so as to prevent their spread.

8. Fires shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.

9. If smoke from a fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire shall be extinguished immediately.

10. The person lighting the fire is responsible for any damages that might result from the lighting of the fire.

11. Any fire permitted by this by-law shall be contained to a reasonable size so that the fire, or any embers, sparks or smoke emanating from them does not endanger any person or property or cause any objectionable effect on nearby property.

12. The Fire Chief or his designate or RCMP may direct that a fire in a fire pit be extinguished, or may extinguish a fire that in his opinion is a nuisance or a threat to public safety.

13. All outdoor burning receptacles;

- (a) shall not be used on apartment balconies;
- (b) shall not be used indoors;
- (c) shall be separated from grass and other vegetation by a distance of at least 40 cm (16 inches) by means of earth, sand, gravel or other non-combustible medium;

14. Burning barrels or other similar devices for the burning of any household or yard refuse are prohibited.

PART 4 – INSPECTION OF BURNING DEVICES

15. Upon receiving a complaint the fire department will inspect the burning device to ensure it is compliant to this by-law at no cost to the property owner or the occupants of the property. At this time recommendations may be made to bring any contraventions within compliance under this by-law.

PART 5 – POWER TO RESTRICT BURNING

16. In the event of extreme dry conditions the Town of Minnedosa reserves the right to restrict all outdoor burning as deemed necessary by the Fire Chief or his designate.

PART 6 – OFFENCES, PENALTIES AND ENFORCEMENT

17. Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

18. Any person who contravenes, or does not comply, or improperly complies, or only partly complies with any provisions of this by-law commits an offence. Everyone who commits an offence is liable to pay the expense recovery of the cost incurred as a result of the fire.

19. Where a person:

- (a) fails to follow the provisions of the by-law and those conditions outlined in this by-law; or
- (b) a fire beyond the control of a person(s) or other emergency results, then such person(s) shall be liable to pay all costs of all emergency response service incurred by the Minnedosa Fire Department and the Town shall be able to recover from such person(s) all such costs as a debt owing to the municipality.

20. Without limiting the penalties for specific offences as set out in this By – law, any person who contravenes any provision of this By – law is guilty of an offence and is liable:

- a.) To a fine of not less than \$100.00 and not more than \$500.00, or to imprisonment for a term of not more than three months, or both; plus applicable costs;
- b.) Where a contravention continues for more than one day; the person is guilty of an offence for each day that it continues.

PASSED AND ENACTED by the Town of Minnedosa, in council duly assembled this 27th day of September, 2011.

THE TOWN OF MINNEDOSA

Mayor

CAO

READ a first time this 13th day of September , A.D., 2011.
READ a second time this 27th day of September , A.D., 2011.
READ a third time this 27th day of September , A.D., 2011.