

# BYLAW NO. 27-2022

## A BYLAW RESPECTING OPEN-AIR FIRE RESTRICTION

The Council of the Resort Village of Elk Ridge, in the Province of Saskatchewan enacts as follows:

### TITLE:

This bylaw shall be referred to as the "*Fire Restriction Bylaw*".

### PURPOSE:

to restrict or eliminate the use of fire within the municipality in areas of fire danger;  
to attempt to minimize the risk of accidental fire;  
to regulate open fires, fireworks and burning of any kind;  
to provide for public safety.

### PART I – DEFINITIONS

1. "Administrator" shall mean the administrator of the municipality, or in their absence their designate;
2. "Council" shall mean the council of the municipality;
3. "Designated Officer" shall mean the Administrator, a Peace Officer, and any person appointed to enforce this bylaw;
4. "Solid fuel fire" shall mean combustion whether or not flame is present or visible.
5. "Discharge" includes to ignite, fire, or set off and the words "discharging" and "discharged" have a similar meaning;
6. "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;
7. "Municipality" shall mean the Resort Village of Elk Ridge;
8. "Peace Officer" means a peace officer as defined in *The Summary Offences Procedures Act, 1990*;

9. "Mayor" shall mean the person elected as Mayor to the municipality, or in their absence the Deputy Mayor.
  
10. "Supervising Officer" means a person appointed by the Municipality.

**PART II – GENERAL REQUIREMENT**

11. Fireworks of any kind cannot be discharged without a valid permit from the Municipality. See schedule A.
  
12. Open air fires for any other purpose other than for recreation or food preparation purposes must have a valid permit from the Municipality. See Schedule B.
  
13. Open-air fires are not permitted between midnight and 6:00 a.m.
  
14. Open air fires are permitted only when the wind does not exceed 20 km/hr.
  
15. Unless the ground is snow covered any open-air fire/solid fuel fire shall:
  - a.i. burn only dry, seasoned, preservative-free cord wood or charcoal briquettes.
  - a.ii. be in a non-combustible receptacle made of materials such as brick, cement or metal of at least 18 gauge and on a non-combustible base;
  - a.iii. not be closer than 3 meters (9.8 feet) to the property line or any combustible and no closer than 5 meters (16.4feet) to any wooded areas.
  - a.iv. not contain, rubbish, household/garden/yard waste, or building materials, plastics, rubber, painted or creosoted wood or any contraventions of the *Air Quality Pollution Control Act* of the Province of Saskatchewan.
  - a.v. the opening of the firebox cannot exceed .61 meters (2 feet).

- a.vi. be covered with a heavy gauge spark arrester screen.
- a.vii. not have a flame more than .5meter (1.6feet) above the wall of the receptacle.
- a.viii. be supervised continuously by an adult with a nearby means of extinguishing the fire such as a fire extinguisher, a water hose;
- a.ix. be thoroughly extinguished before leaving an open-air fire.

16. For the purposes of determining if a fire is left unattended a Court of competent jurisdiction shall accept as evidence that a fire was left unattended if;

- a.i.a. a peace officer or fire department has been dispatched to a fire as a result of a call from the public, where the public advised that a fire is burning and is unattended,
- a.i.b. a person is able to provide information that they have observed the fire burning and that no persons are present or near to the fire.
- a.i.c. there is no reasonable evidence to the contrary that the fire was in fact unattended.

17. Any person found guilty of any contravention of this bylaw is subject to a fine of not less than \$500. A corporation will be subject to a fine of not less than \$1000. Any charges for attendance at a fire will be assessed to the owner of the property.

### PART III - FIRE BAN

18. A fire ban prohibiting open flame, fire or burning of any kind may be issued by a resolution of Council or jointly by any two officials of the Municipality identified in 20.

19. A fire ban shall be issued in writing and shall identify;

- a.i.1.a. the time and date that the fire ban commences;
- a.i.1.b. the land location(s) the fire ban covers;
- a.i.1.c. the time and date the fire ban is lifted, or will be reviewed;
- a.i.1.d. the person or persons authorizing the fire ban;
- a.i.1.e. the Authority allowing the fire ban;
- a.i.1.f. other information that may be in the public interest.

20. Pursuant to section 18 the municipal officials so authorized, in any tandem, to issue a fire ban are the Administrator, Mayor, Deputy Mayor, Peace Officer or designated Supervising Officer.
21. No person shall light, or start, or allow or cause to be lighted, ignited or started a flame, fire or burning of any kind whatsoever in the open air during a fire ban.
22. No person shall discharge, or start or allow or cause to be discharged, ignited or started any fireworks of any kind whatsoever during a fire ban.
23. A Designated Officer may direct or order any flame, fire or burning to be extinguished forthwith provided that the Designated Officer has reasonable grounds to believe that the continued flame, fire or burning may constitute a hazard.
24. No person shall fail to comply with the lawful direction of a Designated Officer.
25. A Designated Officer may cause any flame, fire or burning to be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
26. The cost of any response to any property where there is a report of any flame, fire or burning during a fire ban shall be the responsibility of the person responsible for the ignition of the flame, fire or burning. If the person or party responsible cannot be readily found or identified, any such costs shall be the responsibility of the property occupant or owner.
27. The Administrator shall add to the taxes of the property owned, occupied or inhabited by the person or persons referred to in Section 24 of this bylaw any, amount which remains unpaid 30 days after the person has been invoiced for the costs associated with any response to reports of a flame, fire or burning during a fire ban.
28. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to:
  - a. in the case of a first offence, to a fine not less than \$500 and not more than \$10,000;
  - b. in the case of a second offence to a fine not less than \$750 and not more than \$10,000;
  - c. in the case of a third or subsequent offence to a fine of not less than \$1000 and not more than \$10,000, to imprisonment for not more than one year or to both.
29. Any amount which remains unpaid 30 days after the person/business has been invoiced, the Administrator shall add to the taxes of the property owned, occupied or inhabited where the offence occurred.

30. A new offence is deemed to have been committed two (2) hours, or more, from any previous offence.

LIMITATION OF PROSECUTION


31. Unless otherwise specifically stated no prosecution for an offence pursuant to this bylaw is to be commenced after two years from the date on which the offence is alleged to have been committed or, in the case of a continuing offence, the last date on which the offence was committed.


32. 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.

33. This bylaw shall come into force on final passing thereof.



Read a third time and adopted  
this \_\_\_ day of \_\_\_\_\_, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator

RESORT VILLAGE OF ELK RIDGE

BYLAW NO. 27-2022

SCHEDULE "A"

APPLICATION FOR A SPECIAL PERMIT FOR DISCHARGING OF FIREWORKS is hereby made in accordance with the provisions of Resort Village of Elk Ridge Fireworks Bylaw No. 27-2022 by: ORGANIZATION INFORMATION Please print

Group or Organization: \_\_\_\_\_

Contact: \_\_\_\_\_

Signing Authority: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Cell: \_\_\_\_\_

For a special permit to explode fireworks on: the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ from \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm at (location) \_\_\_\_\_ Name of Fireworks Supervisor:

\_\_\_\_\_ Telephone: \_\_\_\_\_ Address:

\_\_\_\_\_

\_\_\_\_\_ Signature of Property

Owner Signature of Fireworks Supervisor (if not owner) -----

THE RESORT VILLAGE OF ELK RIDGE SPECIAL PERMIT PERMISSION is hereby granted in accordance with the provisions of "Resort Village of Elk Ridge Bylaws" to:

Name of Organization: \_\_\_\_\_

Address & Telephone Number: \_\_\_\_\_

For the exploding of fireworks on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ from \_\_\_\_ am/pm to \_\_\_\_\_ a.m./p.m at (location) \_\_\_\_\_ Issued at the Resort Village Elk Ridge,

Saskatchewan, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Designated Officer

\_\_\_\_\_  
PERMIT NUMBER

*The Resort Village of Elk Ridge accepts no responsibility for liability or costs incurred as a result of authorizing this permit. THIS PERMIT IS NOT TRANSFERABLE*

RESORT VILLAGE OF ELK RIDGE

BYLAW NO. 27-2022

SCHEDULE "B"

PERMIT TO BURN

PERMIT # \_\_\_\_\_

Date \_\_\_\_\_

This permit authorizes \_\_\_\_\_ of \_\_\_\_\_, (owner/occupant)  
\_\_\_\_\_ (address of burn), to burn the following:

Where a permit is issued, the issuer shall determine the special precautions if any, to be taken. Unless the issuer otherwise prescribes in writing the permittee shall pile the material to be burned in heaps or rows and he shall not start a fire or cause a fire to be started within fifty yards from any forest land.

Every permittee shall:

Exercise every reasonable care and precaution to prevent the fire from spreading and carefully extinguish it before leaving the place;

Notify the owners or occupiers of any adjacent forest land before starting the fire.

The issuance of a burning permit does not discharge the person acting thereunder from responsibility for damage caused by the fire.

Notwithstanding the issuance of a permit, no fire shall be started if conditions exist that may cause the fire to spread or go out of control.

If a fire spreads or is likely to spread and expenditure is incurred by the Municipality or any person in controlling or extinguishing the fire, the permittee is liable for the amount expended, and the amount may be recovered in any Court of Competent Jurisdiction.

***THIS PERMIT WILL BE VOID WHEN A FIRE BAN IS IN EFFECT***

*The Resort Village of Elk Ridge accepts no responsibility for liability or costs incurred as a result of authorizing this permit.*

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Authorized Permit Issuer, Title

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PERMIT NUMBER

Bylaw 27-2022 Responsibilities of Permittee:

1. Fire is to be supervised and under control at all times.
2. Every permittee shall exercise every reasonable care and precaution to prevent the fire from spreading, to extinguish the fire upon permit expiry, and to ensure the fire is completely out.
3. Notwithstanding the issue of a permit, no fire shall be started if conditions exist that might cause the fire to spread beyond the control of the permittee.
4. If a fire spreads or is likely to spread and expenditure is incurred to suppress or control the fire, the permittee is liable for all costs incurred, which may be recovered in any court of competent jurisdiction.
5. The permittee is not exempt from damages that may be caused to adjacent landowners.
6. Smoke management concerns are to be adhered to, including (but not limited to) the following:
  - a. smoke must not at any time affect road traffic safety.
  - b. smoke must not at any time affect the health and well-being of adjacent homeowners, businesses, or the general public.
  - c. wind direction and smoke travel are to be considered prior to fire ignition.
7. In accordance with the Clean Air Act & Regulations, burning of wood or grass material only, to not include:
  - a. petroleum products
  - b. plastics
  - c. rubber materials
  - d. treated or painted wood products
  - e. household, commercial, or industrial waste/garbage

and may result in Prosecution

General Rules

All fireguards must be bladed or disked to mineral soil to cover 100% of the guard.

Widths:

- Fine Fuels (Grass, Stubble): 6-15m (20-50 ft.), 15-23m (50-75 ft.) from standing timber.
- Windrows, brush piles: 6-15m (20-50 ft.), 23-46m (75-150 ft.) from standing timber.
- Rangeland improvements: 60m (200 ft.) from standing crown timber.

Weather conditions vs Burning conditions:

	Risky	Optimum	Poor
Relative Humidity (%)	< 25	25-35	> 35
Wind (km per hour)	> 20	5-20	< 5
Temp (°C)	> 21	15-18	< 15



Additional Information:

- Out means completely extinguished, with no flame, smoke, or heat present.
- Burn Control # 1-866-404-4911
- Wildfire Management requires 24-hour notice prior to issuing a Burn Notification – Please plan ahead.
- For fire hazard conditions, you can go to [www.environment.gov.sk.ca/firesmart](http://www.environment.gov.sk.ca/firesmart) I have read and understand the above and I accept personal responsibility that I will abide by the Bylaws, and the conditions of the approval by the Municipality.

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Phone Num