

**TOWN OF KYLE
BYLAW NO. 15-2019**

A BYLAW RESPECTING FIRE PREVENTION

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

1. This bylaw shall be referred to as the “Fire Prevention Bylaw”.
2. In this bylaw:
 - a) “Administrator” shall mean the administrator of the municipality;
 - b) “Council” shall mean the council of the municipality;
 - c) “Department” shall mean the Kyle and District Volunteer Fire Department;
 - (d) “Designated Officer” shall mean the Fire Chief or Administrator;
 - d) “Fire Chief” shall mean the Chief of the Kyle and District Volunteer fire Fire Department or their designate;
 - e) “Member” means a person appointed as a Fire Chief by Council or a member of the Fire Department approved by the Fire Chief;
 - f) “Open Fire” means a fire that is lit outside in the open air for the purposes of cooking, warmth or enjoyment;
 - f) “Municipality” shall mean the Town of Kyle.

3. Open Fires

- a) No person may light a fire of any kind in the open air until all requirements as listed in Section 5 of this bylaw are met.
- b) No person may light any fire on parklands, Town-owned lands, roadways, boulevards, road allowances, sidewalks, alleys or laneways in the Town of Kyle, except in the designated campground, without prior approval from the Fire Chief. Permission must be obtained during working hours.
- c) Nothing contained in this section shall relieve any person from complying with the provisions of *The Clean Air Act* and the regulations passed pursuant thereto.
- d) Burning for land clearing purposes is prohibited in the Town of Kyle.
- e) All fires which are deemed hazardous or in contravention of this bylaw, are subject to being extinguished and / or removed by order of the Fire Chief or any delegate of the Fire Chief.

4. Fire Pits

- a) Open fires shall not be set unless the following measures are taken:
 - i. the firebox be limited to a diameter of 1.0 metres (3 feet) in width or height and be contained in a noncombustible receptacle constructed of cement, brick, clay (kiln dried), or heavy gauge metal;
 - ii. The firebox shall be covered by a ¼” wire mesh screen.
 - iii. if the fire pit is dug into the ground, a non-combustible liner or insert must be used;
 - iv. the receptacle must be located on private property, a distance of at least 3 metres (10 feet) from any property line, building or other combustible structure;

- v. the receptacle must be separated from grass and any other ground – cover vegetation by a distance of at least forty (40) centimeters (15.7 in) by means of clean earth, sand, gravel, brick or other non-combustible material;
 - vi. the receptacle must be located at least 3 m (10 feet) from trees, shrubs and bushes, and may not be situated under any over-hanging branches.
 - vii. A method to extinguish the fire must be on-hand.
- b) Enclosed / Covered Fire Receptacles (i.e. Chimney-style and meshed, portable fire pits etc);
- i. Shall not be used indoors;
 - ii. Shall not be used on wooden decks; but may be used on a non-combustible material;
 - iii. Shall be separated from grass and any vegetation by a distance of at least 40 centimeters (15.7 in) by means of clean earth, sand, gravel or other non-combustible material;
 - iv. Shall be located on private property a distance of at least 1.5 meters (5 feet) from any property line, building or other combustible structure.
 - v. Shall have a method to extinguish the fire on-hand.
- c) General Requirements
- i. The fire must be supervised by an adult (person 18 years of age or over) so as to prevent its spread.
 - ii. The fuel for open-air fires shall consist only of charcoal, cut seasoned wood, clean wood or manufactured logs.
 - iii. The fire shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.
 - iv. Smoke shall be white or light gray. Nothing may be burned that discharges a black or sooty smoke or causes an offensive odour.
 - v. The fire shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
 - vi. The diameter of the fire shall not exceed the diameter of the firebox.
 - vii. The height of the fire must not be higher than 2 feet higher (60 cm) than the height of the fire box;
 - viii. The length of the fuel added must not exceed the diameter of the firebox.
 - ix. The height of the fuel must not exceed one foot (30 cm) higher than the top edge of the firebox.
 - x. The burning of the following materials is prohibited:
 - 1. Rubbish;
 - 2. Garden refuse;
 - 3. Manure;
 - 4. Livestock or animal carcasses;
 - 5. Any material classified as a dangerous good;
 - 6. Any material when burned will generate black smoke or an offensive odour (i.e. insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosote wood)
 - xi. If smoke from a fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire must be extinguished immediately. Continued offences of this nature could call for the immediate removal and/or suspension of its use for a period of one calendar year at the discretion of the Fire Chief.
 - xii. The property owner is responsible for any or all damages as a result of burning.
 - xiii. Notwithstanding any other provisions of this bylaw, the Fire Chief may declare a complete ban of any kind in the Town of Kyle and coordinate the ban with the appropriate Ministry of the Government of Saskatchewan.

5. **Barbecuing**

Barbecues must be fueled by charcoal, propane, manufactured wood pellets or natural gas. All barbecues must bear a CSA, ULC or CGA approval sticker. Every person who uses any barbecue or similar device shall:

- a) Use the barbecue in a reasonable and safe manner;
- b) Keep the barbecue, when lit, a sufficient distance from all combustible materials ("combustible materials" is not to be interpreted as the railing on a balcony or deck);
- c) Ensure that a portable grill or barbecue is located on a firm base and firmly anchored;
- d) Refrain from leaving the barbecue unattended;
- e) Keep the barbecue in a reasonable state of repair;
- f) Comply with all federal and provincial regulations regarding the use and storage of propane cylinders;
- g) Ensure propane cylinders be shut off at the tank valve when not in use;
- h) Ensure propane cylinders be connected and secured to the barbecue;
- i) Ensure propane cylinders be kept in an upright position at all times, including when the cylinders are in transit, service or storage.
- j) When solid fuel appliances are used, provision for the storage of ashes or hot coals is limited to approved receptacles.

6. **Patio Fire Bowls and Oil-Filled Lamps/ Torches:**

Every person who uses a patio fire bowl or oil-filled lamp shall:

- a) Use the appliance in a reasonable and safe manner;
- b) Use only propane, natural gas, lamp oil, fire bowl gel, ethanol, citronella oil, or standard torch fuel;
- c) Ensure that the appliance is firmly anchored;
- d) Ensure the appliance is not near combustibles;
- e) Use the appliance outdoors only.

7. **Special Authorities of the Fire Chief:**

Within the Town of Kyle, the Fire Chief or their Designate:

- a) Has the authority to manage and control any and all emergency situations;
- b) May call upon all or any person to assist in the suppression of a fire or in the stabilization of an emergency. All persons called upon must obey the Fire Chief or their designate;
- c) May make such orders as are deemed necessary in order to eliminate any discharge of dangerous goods and to temporarily shut down any activity or operation suspected of being the source of a discharge of dangerous goods;
- d) May prescribe the limits within which no person or vehicle shall be permitted and shall have the power to close any streets or lane to the public for the duration of a fire or emergency and any related operations;
- e) Has the authority to evacuate or cause to be evacuated any premises, building, area or structure in the Town of Kyle when deemed necessary in their judgement to protect life, property or environment from the effects of an on-going emergency incident;
- f) Enforce this bylaw pursuant to Section 2 of the Fire safety Act;
- g) May issue a bylaw enforcement infraction notice for the following infractions:
 - i. driving over a fire hose;
 - ii. parking in front of a fire hydrant;
 - iii. parking in a fire lane that has been designated and sign-posted by the Town of Kyle;
 - iv. parking of vehicles carrying dangerous goods.

8. Fire Protection Charges

- a) Upon Fire Protection Services being provided on a parcel of land within the Municipality's boundaries, the Municipality may, in its sole and absolute discretion, invoice Fire Protection Charges to any or all of the following persons, namely;
 - i. The person or persons causing or contributing to the fire; or
 - ii. The owner or occupant of the parcel of land;All persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Municipality.
- b) Fire Protection Charges shall be paid within sixty (60) days of receipt.
- c) Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Municipality is entitled to on the parcel of land in respect of which the indebtedness is incurred.
- d) The Municipality may add to the tax roll of the parcel of land all unpaid Fire Protection Charges in accordance with *The Municipalities Act*.
- e) A False Alarm is considered a fire call where personnel and equipment are deployed but were not required to engage in firefighting. Charges listed in Schedule "B".

9. Contravention of the Bylaw

- a) Where the Designated Officer believes that a person has contravened any provision of this Bylaw, s/he may serve upon such person a Bylaw Violation Notice either personally or by mailing or leaving same at the last known address and such service shall be adequate for the purpose of this Bylaw.
- b) Such notice shall be deemed to have been served:
 - i. On the expiration of twenty-four hours after it is posted, if the notice is mailed;
 - ii. On the day of actual delivery, if the notice is served personally; or
 - iii. On the business day following the transmission, if given by facsimile.
- c) A Bylaw Violation Notice shall state the section of the Bylaw which was contravened, and the amount, which is provided in Schedule "A", that will be accepted by the Municipality in lieu of prosecution.
- d) Upon production of a Bylaw Violation Notice issued pursuant to this section within twenty (20) clear days from the issue thereof, together with the payment of the fee as provided in Schedule "A" to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for the prosecution for the contravention in respect of which the ticket was issued.
- e) Where any person contravenes the same provision of the Bylaw two or more times within one twelve month period, the specified payment payable in respect of the second or subsequent contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- f) Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
- g) Any person who has received a Bylaw Violation Notice in accordance with this bylaw and who chooses not to submit a voluntary payment will be liable on summary conviction to the penalties set out in *The Municipalities Act* or the General Penalty Bylaw of the Municipality.

10. Bylaw No. 39 is hereby repealed.

11.. This bylaw shall come into force and take effect on the date of final approval by the Council of Town of Kyle.

(SEAL)

Mayor – Doug Barler

Administrator – Karla Marshall

Subsection 8(1)(b) of The Municipalities Act

Read a third time and adopted
This _____ day of _____,
20____.

Administrator

SCHEDULE "A"
BYLAW No. 15-2019
TOWN OF KYLE

SPECIFIED PENALTIES

Section 3©	-	\$200
Section 4(a,b & c)	-	\$100
Section 5	-	\$100

SCHEDULE "B"
BYLAW NO. 15-2019
TOWN OF KYLE

FEES FOR SERVICES

- 1, False Alarm Charge
 - a. First time – no fee – warning (12 month clear)
 - b. Second time - \$500.00
 - c. Third time and each additional time \$650.00

2. FIRE SERVICES CHARGES

- a. Tanker call out - \$300
- b. Tanker pump time - \$150/hr
- c. Wildland Truck - \$150/hr
- d. Firefighters - \$30/hr each man
- e. Standby - \$120/hr