

VILLAGE OF DRAKE BYLAW 2024-05

A BYLAW RESPECTING OPEN FIRES AND FIREWORKS

THE COUNCIL FOR THE VILLAGE OF DRAKE IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. Short Title

This Bylaw shall be referred to as the "Open Fires and Fireworks Bylaw."

2. Purpose

The purpose of this Bylaw is to provide:

- a) the protection and safety of property within the Village of Drake.
- b) Health, protection, safety and general welfare for the public in the Village of Drake
- c) fire protection within Village of Drake.
- d) To regulate the sale and setting off of fireworks within the Village of Drake.

3. Definitions

In this Bylaw, the following words and terms shall have the indicated meaning, unless otherwise indicated elsewhere in the Bylaw:

- a) BYLAW means the Village of Drake Bylaws.
- b) COMBUSTIBLE LIQUID means a combustible liquid within the meaning of The National Fire Code.
- c) 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, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers and rockets, serpents, shells bombshells, maroons, large wheels, bouquets, and firecrackers, or any fireworks composition that is enclosed in any case or contrivance or is otherwise manufactured or adapted for 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 hundredth of a grain of explosive per cap.
- d) FLAMMABLE LIQUID means flammable liquid within the meanings of the National Fire Code.
- e) HIGH HAZARD FIREWORKS means subdivision 2 of Division 2 fireworks as defined in the Explosive Regulations.
- f) LOW HAZARD FIREWORKS means subdivision 1 of Division 2 fireworks as defined in the Explosive Regulations.
- g) MINOR: shall mean a person under the age of eighteen (18).
- h) MUNICIPALITY: means the Village of Drake and/or its council and Administrator
- i) NATIONAL FIRE CODE means the code declared to be in force pursuant to Subsection 3(1) of The Saskatchewan Fire Code Regulations.
- j) NFPA means the National Fire Protection Association.
- k) OPEN FIRE means any fire in a place other than in a fireplace or other receptacle provided specifically for the purpose of safely containing fires.
- l) PARK means the area that is designated as Village of Drake Park.

- m) PEACE OFFICE means a member of the Royal Canadian Mounted Police, a Special Constable or Bylaw Enforcement Officer of the Village of Drake and any person designated by the Board to enforce this bylaw.
- n) PRIVATE FIREWORKS DISPLAY means the discharge of low hazard fireworks for private recreation and entertainment.

4. Open fires

4.1 Open Flame Fire

- a) No person shall light, ignite, or start to allow or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air within the Municipality without first having applied for a permit as shown in Schedule "A" of this Bylaw.
- b) No person shall light, ignite, or start to allow or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air if it is unsafe to do so.
- c) Permits, as shown in Schedule "B" of this Bylaw, will be issued after inspection of the fire pit or fireplace and upon approval by either the Foreman, the Administrator, Bylaw Enforcement Officer, or the Fire Chief.
- d) The cost of the permit shall be a one-time fee of \$25.00.
- e) Notwithstanding Section 5.a, no permit shall be required to light, ignite, or start a portable barbequing appliance.
- f) The Village of Drake may impose a fire ban or restriction within the Village boundaries at their discretion at which time no person shall ignite or allow a fire, unless specifically allowed by this Bylaw during fire bans, within the Village
- g) The Municipality may issue a permit to a person or organization to set an open-air fire as part of a community event or similar special function or celebration. In this event, the Municipality may waive any requirements of this section with respect to the permitted open-air fire, but the permittee shall comply with all the other requirements of this section and any other conditions attached to the permit by the Municipality.
- h) The Fire Chief, or a designate, may recommend to Council that all in-town burning be suspended if the wind or other conditions are not conducive to fire safety.
- i) Nothing contained in this Part shall relieve any person from complying with the provisions of The Clean Air Act and the regulations passed pursuant thereto. 5 Burning for land clearing purposes is prohibited.
- j) An outdoor fire, outdoor burning appliance or barbeque, which is deemed hazardous, may be extinguished or removed by order of the Administrator, or any member of the Authority or Peace Officer.
- k) Burning for land clearing purposes is strictly prohibited.

4.2 General requirements

- a) Open air fires shall be reasonably supervised so as to prevent their spread and adequately ventilated to ensure proper combustion and prevent an unreasonable accumulation of smoke.
- b) The fuel for open air fires shall consist only of charcoal, cut seasoned wood, or manufacturer's logs.
- c) The fire shall not be set in windy conditions conducive to creating a running fire or nuisance to another person.
- d) 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 (1) calendar year and the revoking of the permit, at the discretion of the Administrator, Bylaw Enforcement Officer, Fire Chief, or Council.

- e) The burning of the following materials is prohibited:
 - (i) Rubbish;
 - (ii) Garden Refuse;
 - (iii) Manure;
 - (iv) Livestock or animal carcasses;
 - (v) Any material, which 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, or any similar material.)
- f) The permittee is responsible for any or all damages as a result of the burning.

5. Exemptions to Burning Regulations

- a) Notwithstanding any other provision of this bylaw, the Village of Drake may enter into an agreement with the Fire Chief to burn buildings, structures, or other materials for the purpose of training its personnel in structural firefighting methods, fire investigation procedures, for the purpose of elimination of hazards or any other municipal purposes.

6. Fire Pits

- a) Except during a fire ban, fires are permitted within the Village, Park, or on private properties and are subject to the following:
- b) Fire pits must be located on private property in back yards only and have a minimum clearance of 3.1 metres (10 feet) from any property line, vertical building line, or other combustible structure, including trees.
- c) The height of the fire pit cannot exceed 0.9 metres (3 feet) and the outside diameter of the fire pit cannot exceed 0.9 metres (3 feet).
- d) The fireplace chamber cannot exceed 0.25 cubic metres (8.8 cubic feet).
- e) The fire pit must be constructed of non-combustible material including cement, brick, clay (kiln dried) or sheet metal.
- f) The fire pit must be covered with a heavy gauge metal screen with openings not exceeding 13 millimetres (0.5 inches).
- g) Fire pits shall not be used on apartment balconies, indoors, or on wooden decks, but may be used on a non-combustible surface such as dirt, concrete, stone, etc.
- h) The fire pit shall be separated from grass and any vegetation by a distance of at least 45 centimetres (1.5 feet) by means of clean earth, sand, gravel, or other non-combustible material.
- i) A fire shall not be ignited in a fire pit during windy conditions which may cause a danger to persons or property by causing a running fire or nuisance to other residents in the Village of Drake; and
- j) A competent person is in charge of the fire at all times until it is properly extinguished.

7. Barbequing

Every person who uses any barbeque or similar device shall:

- a) Use the barbeque in a reasonable and safe manner;
- b) Keep the barbeque, 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 barbeque is located on a firm base and firmly anchored;
- d) Refrain from leaving the barbeque unattended;
- e) Keep the barbeque 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 and natural gas be shut off at the tank valve when not in use;
- h) Ensure propane cylinders and natural gas be connected and secured to the barbeque;
- i) Ensure propane cylinders be kept in an upright position at all times, including when the cylinders are in transit, service, or storage.

8. Fireworks

8.1 Sale of Fireworks

No person shall sell any high hazard or low hazard fireworks on Park Property.

8.2 Fireworks Displays

- a) A public fireworks display shall only be held in public locations approved and designated by the Village of Drake
- b) No person shall hold a public fireworks display without first obtaining a Fireworks Permit from the Village of Drake
- c) A public fireworks display shall at the time and location set out in the permit
- d) A permit for a public fireworks display using high hazard fireworks shall only be issued to persons holding a valid Fireworks Supervisor - Level I or Level II card issued by Natural Resources Canada.
- e) Applicants with Fireworks Supervisor accreditation from other jurisdictions shall not receive a permit unless the Village of Drake is satisfied that the applicant is properly trained and qualified in the use of high hazard fireworks.
- f) The applicant for a permit for a public fireworks display using high hazard fireworks shall procure and provide to the Village of Drake at least 7 days prior to the scheduled date of the display, a Certificate of Insurance which shall name the Village of Drake 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.
- g) 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.
- h) In accordance with Article 5.1.1.2 of The National Fire Code, a public fireworks display using high hazard fireworks shall be conducted in the conformance with the current "Fireworks Display Manual" prepared by Natural Resources Canada.
- i) 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.

8.3 Setting Off Fireworks

- a) Council may authorize the Administrator to issue a permit to a person or Business wishing to set off fireworks in the Village.
- b) No person shall conduct a display of fireworks in contravention of any such conditions set out in this bylaw or the issued permit.
- c) The permit shall ONLY be approved at council level and after the Fire Chief has given consent.
- d) In the event of a fire or accident before, during or after the setting off of a firework, the applicant is responsible for any and all costs if emergency services are required.
- e) No person under 18 years of age shall discharge any fireworks within the Village except under the direct supervision of a parent, guardian or other responsible adult.
- f) No parent or guardian of a child under 18 years of age shall permit the child to discharge any fireworks, except when under the direct supervision of the parent or guardian.
- g) No person shall set off any fireworks in a manner that would create a danger, nuisance, annoy, disturbs, injures, or otherwise endanger or detract from the comfort, repose, health or safety of another person or property; and
- h) in any case, no person shall set off any fireworks between the hours of 11:00pm and 8:00am daily without prior written approval from the Village of Drake or Administrator.
- i) No person shall set off fireworks on a street or other public place except as part of a public fireworks display as permitted by this Bylaw.
- j) All discharging of fireworks is done in a safe manner and according to manufacturer's recommended usage.

- k) The discharging is to be done in an area free from trees or other combustible material.
- l) The discharging is to be done pursuant to all federal and provincial laws and regulations.
- m) The discharging is to be done during appropriate weather conditions with no danger to persons or property.
- n) If fireworks permit is approved, the Village of Drake Fire Department must be contacted. Location, date and time and any other pertinent information should be shared with the Administrator and fire department
- o) The Council, Bylaw Enforcement Officer, or the Fire Chief may temporarily or permanently suspend or terminate any fireworks or fireworks display if:
 - (i) It is deemed threatening or becoming a danger to any property or to public health or safety;
 - (ii) It is inadequately equipped with fire safety or suppression equipment;
 - (iii) Written approval from Council has not been obtained.
- p) All unused fireworks and debris created by the fireworks must be safely removed and disposed of immediately after the display.
- q) The permittee is responsible for any or all damages as a result of setting off fireworks

9. Enforcement

- a) A person who contravenes any provision of this Bylaw or neglects or refuses to comply therewith shall be guilty of an offence and served a notice of violation, as shown in Schedule "B" of this Bylaw.
- b) A person who contravenes any provision of this Bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine not less than \$150.00 and not more than \$2,000.00.
- c) Any person who fails to comply with any Part, Section or subsection of this Bylaw shall also be liable for any cost of the Fire Department or Village of Drake for any services or activities provided respecting this Bylaw as a result of that persons contravention of this Bylaw as issued by the Village of Drake or Peace Officer.

10. Immunity from Liability

- a) The Village of Drake, Peace Officer or Police Officer shall not be liable for any damage or injury occurring as a result of persons undertaking any of the activities within this Bylaw whether allowed by the Bylaw.
- b) Unless otherwise stated, any Act and regulations referred to in this Bylaw shall include any amendments to the legislation and regulations and any legislation and regulations proclaimed successive to that specifically referred to herein.
- c) Neither this Bylaw nor the National Fire Code shall be construed to hold the Village of Drake, the Village Fire Department, its members, or employees, agents, or volunteers, responsible or liable for any damage to persons or property by reasons of:
 - (i) inspections authorized by this Bylaw or the National Fire Code;
 - (ii) failure to carry out an inspection;
 - (iii) the approval or disapproval of any equipment authorized herein.

[SEAL]

Mayor

Administrator

Read a third time and adopted
this ____ day of _____

Administrator

SCHEDULE "A" to Bylaw 2024-05
PERMIT TO SET OFF FIREWORKS IN THE VILLAGE OF DRAKE

Fireworks Location: _____

Event or Celebration: _____

Name of Person/Company Setting Off Fireworks: _____

Date: _____

Time: _____

Permission to set off fireworks within the Village of Drake has been granted by the Council as per resolution _ _ _ _ _

As per Section 8 of Bylaw 2024-05, the following terms must be adhered to as part of this permit:

- The fireworks must be held at a safe distance from all combustible materials and all highways, overhead wires, buildings, and other structures.
- The fireworks must be conducted in a safe manner so that all spectators are at a safe distance and suitable fire extinguishers, or other proper means of fire suppression are at hand.
- The fireworks must be completed no later than 12:30 p.m.
- The Town Council, Bylaw Enforcement Officer or the Fire Chief may temporarily or permanently suspend or terminate any fireworks or fireworks display if:
 - It is deemed threatening or becoming a danger to any property or to public health or safety;
 - It is inadequately equipped with fire safety or suppression equipment;
 - Written approval from Council has not been obtained.
- All unused fireworks and debris created by the fireworks must be safely removed and disposed of immediately after the display.
- The permittee is responsible for any or all damages as a result of setting off fireworks.

Special Conditions: _____

DATED this _____ day of _____ 20____.

Signature of Administration Approval

NOTICE OF VIOLATION
SCHEDULE "B" to Bylaw 2024-05

TAKE NOTICE THAT in accordance with Section ____ of Bylaw No. _____ (the Burning and Fireworks Bylaw)

AVOID PROSECUTION BY PAYING PROMPTLY

Name of Violator _____

Address and Postal Code _____

Date Issued (Year, Month, Day, Time) _____

License Number _____

Violation: Bylaw 2024-05 _____

Description of Violation: _____

Location of Violation: _____

Penalty \$ _____

Penalty to be paid during regular business hours or by mail at the municipal office of
Village of Drake
117 Francis Street,
Drake, SK S0k 1H0

If payment is not made within the time set out above, you shall be liable to prosecution and upon summary conviction you shall be liable to the penalty provided under section _____ of said Bylaw.

ISSUER _____ Ticket Number # _____

Dated at _____,

in the Province of Saskatchewan,

this _____ day of _____, 20 _____