

## TOWN OF MIDDLE LAKE

### BYLAW NO. 4-2017

#### A BYLAW TO REGULATE OPEN OUTDOOR FIRES

The Council of the Village of Middle Lake in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the “Open Outdoor Fire Bylaw”.
2. In this bylaw:
  - a) “Administrator” shall mean the administrator of the municipality;
  - b) “Council” shall mean the council of the municipality;
  - c) “Designated Officer” shall mean the Administrator.
  - d) “Municipality” shall mean the Village of Middle Lake;
3. **Open Fires**
  - 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 until all requirements as listed in Section 4 of this bylaw are met.
  - b) 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.
  - c) Burning for land clearing purposes is prohibited.
  - d) An open-air fire, outdoor burning appliance or barbeque, which is deemed hazardous, may be extinguished or removed by order of the municipality.
4. **Fire Pits**
  - a) Open fires shall not be set unless the following measures are taken:
    - i. be limited to a diameter of 1 meter (3.29 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 receptacle must be located on private property, a distance of at least 1.5 meters (5 feet) from any property line, building or other combustible structure;

b) General Requirements

- i. The fire must be reasonably supervised so as to prevent its spread.
- ii. The fuel for open-air fires shall consist only of charcoal, cut seasoned wood, or manufacturer's logs.
- iii. The fire shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.
- iv. The fire shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
- v. 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 odor (i.e. insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosote wood)
- vi. 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 Municipality.
- vii. The property owner is responsible for any or all damages as a result of burning.

**5. Contravention of the Bylaw**

- a) Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his 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 be in such form as determined in Schedule "A" and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Schedule "B" 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) days from the issue thereof, together with the payment of the fee as provided in Schedule "B" 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 "B" 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.
7. This bylaw shall come into force and take effect on the date of final approval by the Council of the Village of Middle Lake.

(SEAL)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

Subsection 8(a) of The Municipalities Act

Read a third time and adopted  
This \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Administrator

**SCHEDULE "A"**  
**BYLAW NO. 4-2017**  
**VILLAGE OF MIDDLE LAKE**

**VILLAGE OF MIDDLE LAKE**  
**BYLAW VIOLATION NOTICE**

Reference No. \_\_\_\_\_

Name:	
Address:	

This official notice is issued for alleged breach of the following bylaw:

<b>Bylaw No.:</b>	
<b>Section No.:</b>	
<b>Offence:</b>	
<b>Voluntary Payment:</b>	

**DETAILS OF ALLEGED BREACH OF VIOLATION:**

- DATE: \_\_\_\_\_
- TIME: \_\_\_\_\_
- LOCATION OF VIOLATION: \_\_\_\_\_
- OTHER PARTICULARS (Names of others in attendance, height of fire etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PENALTY:**

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the Village Office at 100 Railway Ave or by mail to: Village of Middle Lake, Box 119. Middle Lake, SK S0K 2X0.

If the voluntary payment indicated above is not received by \_\_\_\_\_, a summons requiring your appearance in provincial court will be issued.

Issued this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_  
(Designated Officer)

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

**SCHEDULE "B"**  
**BYLAW NO4-2017**  
**VILLAGE OF MIDDLE LAKE**

**VOLUNTARY PAYMENT AMOUNTS**

Section 3 - \$200

Section 4 - \$100