



RM of Torch River

BYLAW NO 04-2018

A BYLAW TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR THE PURPOSE OF BURNING WITHIN THE RURAL MUNICIPALITY OF TORCH RIVER NO. 488

Section 8 of the Municipalities Act

The Council of the Rural Municipality of Torch River No. 488 in the Province of Saskatchewan enacts as follows:

Short Title:

1. This bylaw shall be referred to as the *“Burning Permit Bylaw”*

Interpretation:

2. In this bylaw:
 - 2.1. “Burning Permit” shall mean a permit issued regulating outdoor and open air burning in the Municipality;
 - 2.2. “Burning Permit Area” shall mean the area of the Rural Municipality of Torch River No. 488 that is not declared Wildfire Management Area pursuant to section 2 (gg) of *The Wildfire Act, 2014*;
 - 2.3. “Council” shall mean the council of the municipality;
 - 2.4. “Fireworks” shall mean manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosives Regulations as low hazard fireworks for recreation;
 - 2.5. “Outdoor Fire” shall mean a fire that is started outdoors including crop residue burning, land clearing, grass burning and fireworks;
 - 2.6. “Wildfire Season” shall mean the period of time in each year commencing April 1st and ending on October 31st or any other time that may be designated by the Rural Municipality of Torch River No. 488;
 - 2.7. “Municipality” shall mean the Rural Municipality of Torch River No. 488;

Provisions:

3. Subject to subsection 3.1 no person shall start an outdoor fire within the burning permit area, during the wildfire season, without first obtaining a written burning permit as per attached schedule “A” from the Administrator of the Municipality.
 - 3.1. The following are exempt from requiring a burning permit:
 - 3.1.1. Fires less than one metre in diameter;
 - 3.1.2. Burning Barrels;
 - 3.1.3. Outdoor fire place/camp fire/fire pit;
 - 3.1.4. Smudge;
 - 3.1.5. Incinerator.
 - 3.2. All exemptions shall comply with the following:
 - 3.2.1. Fire must be contained in a non-combustible receptacle or located over bare rock, gravel, sand, mineral soil, concrete or other non-combustible material;
 - 3.2.2. Is surrounded by a non-combustible surface that is at least one metre in radius from the outside edge of the receptacle of surface described in section 3.2.1;
 - 3.2.3. The burning barrel or incinerator is a fully enclosed device constructed of non-combustible material and covered with a heavy gauge metal screen of a mesh size sufficient to prevent the escape of sparks or embers;
 - 3.2.4. The burning barrel or incinerator shall be located on a flat and level surface.

4. All burning permits within the Municipality shall be subject to the conditions and provisions of *the Wildfire Act, 2014*, including but not limited to, the following conditions and those conditions specifically set out within the burning permit.
 - 4.1. Any outdoor fire shall be supervised by the owner or occupier of the land or a person authorized by the owner or occupier of the land.
 - 4.2. No person shall start an outdoor fire on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire.
 - 4.3. No person shall start an outdoor fire unless all precautions are taken to ensure that the fire can be kept under control, or when weather conditions are conducive to a fire burning out of control.
 - 4.4. No person shall cause an outdoor fire to be started in order to guard property, clear land or burn debris, burn crop, stubble or grass, unless that land on which the fire is started is completely surrounded by a fire guard consisting of:
 - 4.4.1. A strip of land free of flammable material, or of sufficient width to control the fire;
 - 4.4.2. By natural or man-made barriers, water, or
 - 4.4.3. By a combination of 4.4.1 and 4.4.2.
 - 4.5. The smoke from an outdoor fire shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
 - 4.6. A sufficient water supply and means of fire suppression capable of extinguishing the outdoor fire based on its fuel loading and size shall be available on site.
 - 4.7. All fires must be extinguished when unsupervised.
5. Authorization to conduct outdoor fire burning does not exempt or excuse a person from the responsibility, consequences, damages, or injuries resulting from the authorized burning and does not excuse a person from complying with other applicable laws, ordinances or regulation.

Fire Ban

6. The municipality may, at their discretion, ban All Burning (including exemptions as stated in section 3.1) in any area of the Municipality if conditions exist where, in the opinion of the municipality, fires are extremely high risk, and such ban would prevent wildfires from occurring.
7. When such fire ban is in effect, all permits will be void.
8. A fire ban prohibiting open fire of any kind may be issued by a resolution of council or jointly by any three officials of the Municipality identified in section 9. A fire ban shall be issued in writing and shall identify:
 - 8.1. The time and date that the fire ban commences;
 - 8.2. The fire response area the fire ban covers;
 - 8.3. The time and date the fire ban is lifted, or will be reviewed;
 - 8.4. Other information that may be in the public interest.
9. Pursuant to section 8 the municipal officials so authorized, in any tandem, to issue a fire ban are the Administrator, division councillors for fire response area, or Reeve. The municipal officials shall consult the fire chief for the fire response area.

Penalties

- 10. It is an offense to contravene any provisions of this bylaw. Any conviction of an offense is subject to the penalties as provided in the general penalty bylaw of the municipality.

- 11. Where a person is in contravention under this bylaw, in addition to imposing a fine, the Municipality is entitled to be reimbursed by the person(s) for costs in fire protection and suppression operations that were undertaken as a result of the person(s) acts or omissions that resulted in the costs to be incurred.

- 12. Where the administrator receives voluntary payment of an amount approved by council, within 2 weeks of receiving such notice, the person shall not be liable to prosecution for the alleged contravention.

- 13. Nothing shall be construed to prevent any person from exercising his right to defend a charge of contravention of this bylaw.

Repeal

- 14. Bylaw 02-2016 is now hereby repealed.

[SEAL]

Reeve

Administrator

Read a third time and passed this 16th day of July, 2018.





RM of Torch River

SCHEDULE "A"

Permit to burn

Permit # _____

Date _____

This permit authorizes _____ of _____, (owner/occupant) of the ____ Quarter, Section ____, Township ____, Range ____ W2, to burn the following:

List materials to be burned:

on the above mentioned property between the ____ day of _____, 20____ and the ____ day of _____, 20____, in compliance with the following conditions:

BEFORE BURNING YOU MUST CALL THE BURN CONTROL CENTRE AT 1-866-404-4911

BURNS MUST BE SUPERVISED AND UNDER CONTROL AT ALL TIMES

- 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 Rural Municipality of Torch River No.488 accepts no responsibility for liability or costs incurred as a result of authorizing this permit.

Authorized Permit Issuer

Title

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 by the department in the suppression or control of the fire the permittee is liable for all costs incurred by the department, which maybe 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

Contravention of the Clean Air Act & Regulations may result in Prosecution

Fireworks Information

- Pick a clear, open area away from building, vehicles, overhead obstructions and dry grass or brush.
- Check for wind direction and speed before setting off fireworks.
- All fireworks that fire a projectile must be directed in such a manner that the projectile goes into the air in a vertical direction.
- Keep people back at least 20m (65ft) and direct aerial fireworks away from spectators.
- Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a safe manner.

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

*** If at all possible, fires should be started after 6:00 pm on any given day.**

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

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.

Burning Permittee Signature

Date (yr/m/d)

contact phone number

