

TOWN OF MAIDSTONE

BYLAW NO. 2015-16

RESIDENTIAL FIRE PREVENTION AND FIRE PIT CONTROL BYLAW

A Bylaw of the Town of Maidstone for the prevention of fires and the spread of fire, the preservation of life and to set minimum standards for the control of fire pits, chimney's, wood stoves, fireplaces and other outdoor approved appliances in residential areas or zones.

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

WHEREAS, pursuant to the provisions contained in The Fire Prevention Act 1992, Section 33 states:

"Where a municipality has passed a bylaw in accordance with The Municipalities Act, The Cities Act, or The Northern Municipalities Act respecting the prevention and suppression of fires and the provisions of the bylaw are more exacting than the provisions of this Act or the regulations, that bylaw governs and applies to all properties within the boundaries of that municipality."

AND WHEREAS, the Council of the Town of Maidstone deems it expedient and desirable to provide such regulations:

NOW THEREFORE, the Council for the Town of Maidstone in open meeting enacts as follows:

I. TITLE

1. This bylaw may be cited for all purposes as the "Town of Maidstone Fire Prevention and Fire Pit Bylaw"

II. PURPOSE

1. This purpose of this Bylaw, subject to the provisions of The Air Pollution Control Act, is to regulate and control the use of appliances and device's which burn wood and other materials in residential zones within the limits of the Town of Maidstone.

III. DEFINITIONS

1. "ACT" shall mean "The Municipalities Act"
2. "ADMINISTRATOR" means the Administrator for the Town of Maidstone.
3. "APPARATUS" means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or equipment.
4. "APPROVED" means approved by an Officer of the Maidstone Volunteer Fire Department of the Town of Maidstone.
5. "COUNCIL" means the appointed Municipal Council of the Town of Maidstone.
6. "EQUIPMENT" means any tools contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
7. "EXPLOSIVE" means gunpowder, nitroglycerine, gun cotton, dynamite, blasting gelatin, gelignite, fulminate of mercury or other metals, colored fire and every other substance used or manufactured to produce a violent effect by explosion, or a pyrotechnic effect, and shall include fireworks, fuses, rockets, percussions caps, detonator, cartridges, and ammunition.
8. "FIRE CHIEF" means the person appointed to such position from time to time.
9. "FIRE BAN" means no burning of any kind within the limits of the Town of Maidstone.
10. "FIRE PIT" means any fire pit, indoor wood burner, chimney or any other outdoor fireplace type.
11. "FIRE PROTECTION" means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
12. "GARAGE" means any building, or any portion of any place or premises used as a place of business, for the purpose of placing, keeping, repairing, or demolishing one or more motor vehicles.

13. **"GARBAGE"** means all household and commercial waste.
14. **"GAS STATION"** means any portion of any place or premise in or upon which gasoline, diesel fuel, gasohol, natural gas or propane is kept for sale
15. **"HOTEL"** means an apartment house, boarding house, lodging house, club or any other building except a private dwelling, where lodging is provided, and a residential condominium building that has:
 - a) Two (2) or more levels of strata lots as defined in the Condominium Act, and
 - b) One or more corridors that are common property as defined in the Condominium Act.
16. **"INCIDENT"** means a fire or a situation where a fire or explosion is imminent.
17. **"MEMBER"** means any person appointed to such position from time to time.
18. **"OCCUPANT"** means an owner, tenant, lessee, agent, licensee, and any other person who has the right of access to and control of any land, building or premises to which this bylaw applies.
19. **"OFFICER"** means any person appointed by the Council to exercise the powers vested under this bylaw. An officer includes members of the Council, members of the fire department appointed from time to time or a town employee.
20. **"OWNER"** shall mean the person, persons or corporate entity designated as the registered owner of a property on the tax rolls of the Town of Maidstone.
21. **"PRIVATE DWELLING"** means any building used exclusively as a place of residence for not more than two families.
22. **"REFUSE"** means any waste from the clearing of land or construction or reconstruction of buildings, and includes trees, branches, roots or stumps.
23. **"TOWN"** means the "Town of Maidstone".
24. **"TRADE WASTE"** means refuse and accumulation of waste and abandoned materials resulting from the operation of industry, trade or business including paper, boxes and packing cases, wrapping materials, sweepings and all flammable or combustible materials of a like nature other than garbage or ashes.
25. **"VEHICLE"** means all types of motor vehicles, as defined in the Federal Motor Vehicles Transport Act, farm tractors and machinery.

IV. GENERAL

1. In the event of any inconsistency between the provisions of this bylaw and the provisions contained in a statute and/or regulation enacted by the Government of the Dominion of Canada or the Province Saskatchewan, the more restrictive provisions of those statutes and/or regulations shall apply.
2. If an Officer, on account of the existence of hazardous fire conditions deems it advisable, he may cancel or suspend for such time as is specified in the order, any permits issued pursuant to this Bylaw, or he may attach to any or all such permits such conditions and restrictions as he thinks proper.
3. If the Fire Department, on account of the existence of unfavorable weather or any other conditions deems it advisable, may issue a fire ban for such time as is specified in the order submitted to the Administrator. It will also be deemed by the Fire Department when the Fire Ban is to be lifted.
4. Officers are empowered to exercise the powers conferred by this Bylaw and the powers conferred by The Fire Prevention Act, 1992 for the Town. An officer may exercise his/her powers vested in this bylaw only if there are two or more Officers present to make the decision. Not any one Officer has the authority to enact the powers vested in this bylaw.
5. An Officer may at all reasonable times enter any premises and on to any real property to inspect them for conditions which may cause a fire or increase the danger of a fire or

increase the danger to persons, and no person shall obstruct or refuse to admit any Officer for the purpose of such inspection.

6. Every owner and occupant of real property shall remove anything and everything from a building or yard which in the opinion of the Officer is a fire hazard or increases the danger of fire.
7. After an inspection, an Officer may order in writing that within a reasonable time set out in the Order, the owner or occupant remove, destroy, repair or alter the use of the occupancy of the premises, or remove or take precautions against any fire hazard as set out in the Order.
8. The metal covers required on receptacles provided for the storage of combustible material as set forth in Section 2.4.1.9 of the National Fire Code of Canada, 1985 shall be kept closed at all times and maintained in good and efficient repair and working order.
9. Where doors or shutters are installed in any building to prevent the spread of fire within such building, such door or shutters shall at all times be kept and maintained in good and efficient repair and working order.
10. It shall be unlawful for any person to deposit, or allow or permit to be deposited, unless deposited in a metallic or non-combustible or non-flammable receptacle, ashes, or other material or thing from any stove, furnace or fireplace, or any greasy or oily rags of other material, things or substances liable to spontaneous combustion.
11. It shall be unlawful for any person to deposit, or allow or cause to be deposited, any paper, straw, hay, shavings, or any other combustible or flammable material or thing in or among any ashes or other materials or thing taken from any stove, furnace or fireplace.
12. Every occupant of any building or premises who makes, stores, uses, or has charge or control of any business or trade waste consisting of shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, waste paper, paper boxes, or any other flammable or combustible material to be compacted, baled or stacked in a safe manner, in accordance with the opinion of any Officer; or the occupant shall store such materials in non-combustible receptacles, having tight fitting, noncombustible lids, and such lids shall be at all times kept on such receptacles when in use.
13. No occupant of any building shall permit any chimney stove pipe or flue therein to become unclean or take fire; provided that such occupant shall not be liable to a charge hereunder if the said chimney or flue has been cleaned by a duly qualified and licensed chimney sweep within a period of twelve months prior to the officer's inspection or fire.
14. No occupant shall use, maintain, suffer, permit or allow the use of any defective stove or heating device in any building, and if, in the opinion of an Officer any defective stove or heating device is used or maintained in any building, the occupant of such building on the order of the Officer shall forthwith remove or cause to be removed, or repair or cause to be repaired to the satisfaction of the Officer, any such defective stove or heating device.
15. Gas or electric heaters or plates, if used or maintained over wood shelving or tables, shall be protected with noncombustible material over an area one and one-half times the area of such gas and electric heaters or plates, and when the number of gas jets or electric heaters would tend to generate an excessive temperature, in the opinion of an Officer, the Officer may require such further protection as in his opinion may be necessary. Gas plates and heaters, shall not be installed under any wood shelving which is less than four feet distant from such gas plates and heaters and shall be at least twelve inches in the clear of any combustible material at the sides and back; provided, however, that when any woodwork is protected at the back and sides of such gas plates or heater with a shield of noncombustible material extending at least eighteen inches in height from the base of such gas plate or heater, the distance aforesaid may be reduced by one-half.
16. Whenever in any building or premises, there shall exist any flammable, combustible, or explosive material or substance, or any dangerous or unnecessary accumulation of waste materials, or litter, of a nature especially liable to fire, and which materials are so situated, in the opinion of an Officer, so as to endanger life or property, or to obstruct access or egress from such building or premises, in case of fire, or which may be liable to interfere with the operations of the Volunteer Fire Department of the Town, or where any

condition exists which is considered by the Officer to be a fire hazard, the occupant of such building or premises shall forthwith, on the order of the Officer, have such flammable, combustible, or explosive material or substance, or any dangerous or unnecessary accumulation of waste materials or litter removed, disposed of, or otherwise dealt with as may be ordered or directed by the Officer.

17. It shall be unlawful for any person to obstruct any fire escape, passage door, hall or window, or to obstruct any exit leading to any fire-escape in any building; and all fire escapes and exits in buildings shall at all times be kept and maintained free and in good order and repair satisfactory to an Officer. All passages in buildings shall be maintained free from obstruction.
18. In the case of a public or private school, orphanage, nursing home, children's home, or other institution for the education or care of children, the person in charge thereof shall adopt and practice a system of fire drills or exercises as approved by an Officer. On the sounding of the fire alarm in any such building, it shall be responsibility of the teacher or other person in charge of children at the time of the sounding of the alarm to remove all children clear of the building, to a point of safety, and account for the number of children so removed. The children shall be kept at the point of safety until the Fire Department has investigated the cause of the alarm and given permission to re-enter the buildings.
19. Whenever within the Town any premises are in a hazardous state or condition, in the opinion of an Officer, in respect to fire, or are dangerous to life or property, or in condition which may cause fire, or assist in spreading fire within the Town, or hazardous and dangerous to surrounding or adjacent property, the Officer may, by written notice served on the owner or on any person to whom a license has been issued by the Town under its business regulation and licensing bylaw adopted under The Municipalities Act or who is liable or required to obtain a license under the business licensing and regulation bylaw, notify such person that the Officer protests against issuing, granting, renewal, or holding of such license in respect of such premises or business, and shall state on such notice the reasons or grounds of such protest, and a true copy of such notice shall be lodged with the Administrator of the Town.

V. OPEN AIR BURNING

1. No person shall light, ignite, or start, or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever, in the open air without first obtaining a permit as attached as Schedule "A" and a part of this bylaw, from the Fire Department.
2. The Fire Chief may, when he considers it safe, issue a permit for open air burning:
 - a) For fire training exercises;
 - b) For burning by the Town only when approval from Town Council and/or the Fire Department has been formally obtained;
 - c) For theatrical special effects.
3. Every person to whom a permit has been issued under this Section, shall place and keep a competent person at all times in charge of the fire while it is burning or smoking, and until it is completely extinguished, and shall provide that competent person with efficient appliances and equipment, in order to prevent the fire from getting beyond control, or causing damage, or becoming dangerous to life and property.
4. Small fires on private property for the purposes of cooking food or providing personal warmth are permitted without a permit.
5. Every person who sets out, starts, or kindles any outdoor fire, or fails to extinguish any outdoor fires set out, started, or kindled at any time of the year, whether such fire was started under a permit or not, shall be responsible for such fire, and if he lets such fire get out of control, he shall be liable for all expenses incurred by the Town in controlling and extinguishing such fire, and any other damage originating from such fire, and he shall also be liable for the wages of all the persons employed in controlling and extinguishing such fire, including wages for firefighters so employed.

6. For the purposes of this Section:
 - a) The fire shall be deemed out of control when it spreads beyond the boundaries of the parcel of land on which it started, or threatens to do so, when it endangers any life, building or property, when the fly ash or brands are causing or have the potential to cause damage, or when such fire is left unattended.
7. The burning in the open air of garden refuse, in the nature of grass and other clippings, leaves, tree and shrub pruning's, cuttings and light material, all waste material from construction sites or and land clearing materials or debris is hereby prohibited.

VI. FIRE PIT REGULATIONS

1. No owner shall allow a fire pit, indoor wood burner, chimney or any other outdoor fireplace to be located directly over any utility lines, pipes or easements.
2. No material or fuel other than seasoned wood, propane, natural gas or other town approved material or fuel may be burned in a fire pit, indoor wood burner, chimney or fireplace in a residential zone.
3. Fire pits may not exceed 1 meter (3.281 feet) in width or diameter, 45.72 centimeters (18 inches) in depth.
4. Fire pits flames may not exceed 1.2192 meters (4 feet) from the ground.
5. The brick, stone, or concrete in a fire pit or any chimneys shall be separated from grass and any other vegetation by a distance of at least 40 centimeters (15.7 inches) by means of clean earth, sand, gravel, or other non-combustible materials.
6. All fire pits or chimney openings must be covered with a heavy gauge metal screen with openings not exceeding 10 millimeters (.5 inches)
7. No fire pit or chimney may be located closer than 3 meters (9.8 feet) from any property line, building or other combustible structure and may not be closer than 6 meters (19.685 feet) from any neighboring or abutting residential dwelling.
8. Chimneys shall be permitted to be used on balconies, wooden decks, or any combustible surface as long as there is a cement block beneath the chimney no less than 2" (two inches) thick and must be 2" (two inches) from the furthestmost perimeter of the chimney.
9. If smoke from an open-air fire causes an unreasonable interference with the use and enjoyment of another person's property, and a complaint is received, an officer may request that the fire be extinguished immediately.
10. The Council of the Town of Maidstone reserves the right by resolution to ban the use of fire pits or chimneys on a specific lot or parcel of land, if the Town Administrator receives written complaints about the fire pit or chimney from abutting property owners or tenants.

VII. STANDPIPES OR HYDRANTS

1. All unauthorized attachments found on standpipes or hydrants may be confiscated by an Officer.
2. Excepting only employees of the Town, acting within the scope of their duties, no person shall make use of standpipes or hydrants without written permission from the Fire Department or a Member of Council.
3. Every occupant of any building shall keep all pipe holes in any chimney, while such pipe holes are not in use, closed by a proper stopper of metal or other approval non-combustible material.

VIII. GENERAL PENALTY

1. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to the penalties in the General Penalty Bylaw No. 2007-15 of the Town of Maidstone.

**TOWN OF MAIDSTONE FIRE DEPARTMENT
BURNING PERMIT APPLICATION & APPROVAL**

SCHEDULE "A" TO BYLAW NO 2015-16

APPLICATION INFORMATION:

Name: _____ Today's Date: _____

Mailing Address: _____
(Box or Street Address, City/Town, Prov. & Postal Code)

Phone No.: _____ Alternate Phone No.: _____

Date Permit is required: _____

Location of controlled fire: Street Address: _____

Lot: _____ Block: _____ Plan No.: _____

Reason for Permit: (additional information and/or sketch of area can be attached to this form)

I, _____ certify that I have read and understand the provisions set forth in Bylaw No. 2015-16, The Town of Maidstone Fire Prevention Bylaw and agree to comply with all the rules and regulations it sets forth. I also agree that I will be responsible for any and all occurrences which may happen for the date I require a burning permit so long as the proper authorities have deemed the occurrence a result of my actions.

Date

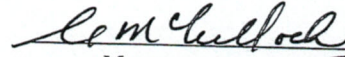
Signature of Applicant

IX. EFFECTIVE DATE

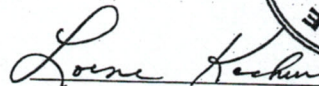
1. This Bylaw shall come into force and take effect upon adoption thereof.

X. REPEAL

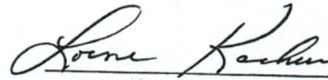
1. Bylaw No. 2006-08 is hereby repealed.


Mayor




Administrator

Certified a true copy of Bylaw
2015-16 passed by resolution of
Council on the 25th day of August, 2015.


Administrator

