

LAST MOUNTAIN REGIONAL PARK
BYLAW NO. 003-2016
A BYLAW RESPECTING OPEN FIRES AND FIREWORKS

THE LAST MOUNTAIN REGIONAL PARK AUTHORITY, IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

Short Title

This bylaw shall be cited as the “Open Fire and Fireworks Bylaw”.

Purpose

The purpose of this Bylaw is to:

- (i) provide for the protection and safety of property within the Last Mountain Regional Park
- (ii) provide for the health, protection, safety and general welfare of public using Last Mountain Regional Park
- (iii) provide for fire protection with Last Mountain Regional Park.
- (iv) regulate the use of fireworks within Last Mountain Regional Park.

PART I: Definitions

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

ADMINISTRATOR means the secretary treasurer or manager designated by the Board.

BOARD means the members of the Regional Park Authority.

BYLAW means the Last Mountain Regional Park Authority Bylaws.

CAMPSITE means an area within a public campground, designed and developed to accommodate a family or a specified number of persons in one camping unit.

COMBUSTIBLE LIQUID means a combustible liquid within the meaning of The National Fire Code.

FACIILTY – USE AREA means a location within the Park where development of fixtures, buildings and facilities for public use are found.

FIREWORKS means fireworks as defined in the Explosive Regulations, C.R.C c. 599

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FLAMMABLE LIQUID means a flammable liquid within the meaning of The National Fire Code.

NATIONAL FIRE CODE means the code declared to be in force pursuant to Subsection 3(1) of The Saskatchewan Fire Code Regulations.

NFPA means the National Fire Protection Association.

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.

PARK means the area that is designated as Last Mountain Regional Park.

PARK AUTHORITY means the people who are, from time to time, appointed for the purpose of carrying out the management and administration of the Last Mountain Regional Park.

PEACE OFFICER means a member of the Royal Canadian Mounted Police, a Special Constable or a Bylaw Enforcement Officer of the Park Authority and any person designated by the Board to enforce this bylaw.

PRIVATE FIREWORKS DISPLAY means the discharge of low hazard fireworks for private recreation and entertainment.

PUBLIC FIREWORKS DISPLAY means the discharge of high or low hazard fireworks for public recreation and entertainment.

PART II – OPEN FIRES

Open Flame Fire

1. No person shall have an open fire within the Park, except in a fireplace, barbeque or receptacle provided for the purpose.
2. 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.
3. The Park Authority may impose a fire ban within the Park at their discretion at which time no person shall ignite or allow a fire, unless specifically allowed by this Bylaw during fire bans.
4. Nothing contained in the park shall relieve any person from complying with the provisions of The Clean Air Act and the regulations passed pursuant thereto.
5. Burning of yard waste or for land clearing purposes is prohibited.

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6. 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.

Exemptions to Burning Regulations

7. Notwithstanding any other provision of this bylaw, the Park Authority 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.

General Requirements

8. All open fires must be reasonably supervised at all times so as to prevent its spread.

9. The fuel for open-air fires shall consist only of charcoal, cut seasoned wood, or manufacturer's logs.

10. The fire shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.

11. The fire shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.

12. The burning of the following materials is prohibited:

- a. rubbish;
- b. garden refuse;
- c. manure;
- d. livestock or animal carcasses;
- e. any material classified as a dangerous good including any material classified by the authority having jurisdiction as a hazardous material or as dangerous good;
- f. any material when burned that 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)

13. When solid fuel appliances are used, provisions for the storage of ashes or hot coals is limited to approved receptacles.

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14. Where requested by a Peace Officer, a person shall extinguish an open air fire.
15. Continued offences of this nature could call for the immediate removal and/or suspension of open fires for a period of one calendar year and the revoking of any open fire or burning or any kind, at the discretion of the Peace Officer.

Fire Pits

16. Except during a fire ban, fires are permitted within the campground, facility use areas and cabin leases lots subject to the following:
- (a) The fires are entirely contained in fire pit for that campsite or facility-use area provided by the Park Authority or inspected by and approved by the Park Authority;
 - (b) The fire pits are more than 10 feet from all buildings, camping units, and combustible materials;
 - (c) The receptacle must be separated from grass and any other vegetation by a distance of at least forty (40) centimeters (15.7 in.) by means of clean earth, sand, gravel or other non-combustible material.
 - (d) The fire pits are used to burn only clean dry wood or charcoal;
 - (e) The fire pits are not used to burn waste or yard waste
 - (f) The fire pit does emit smoke or sparks so as to create a nuisance to other patrons of the Park;
 - (g) 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 patrons in the Park; and
 - (h) A competent person is in charge of the fire at all times until it is properly extinguished.

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Chimney Fire Pits

17. The following conditions apply:

- (a) shall not be used indoors
- (b) shall not be used on wooden decks; but may be used on a non-combustible surface such as earth, concrete, stone etc;
- (c) 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;
- (d) the receptacle must be located, a distance of at least 3.1 meters (10 feet) from any building or other combustible structure or object;

Barbecuing

18. Fires are allowed within stationary barbeques subject to the following:

- (a) The stationary barbeque is fueled by propane, natural gas, electricity or charcoal briquettes;
- (b) The stationary barbeque is in good repair;
- (c) The stationary barbeque is used according to manufacturer's instructions;
- (d) The stationary barbeque is not used for the purposes of burning waste, yard waste, or any other material;
- (e) The stationary barbeque does not emit smoke or sparks so as to create a nuisance to other patrons of the Park;
- (f) The stationary barbeque, when lit, is a sufficient distance from all combustible material;
- (g) All federal and provincial laws and all Park Bylaws governing the use and storage of fuel for stationary barbeques are followed; and
- (h) A competent person is in charge of the stationary barbeque at all times while it is lit and it must not be left unattended when lit.

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PART III – FIREWORKS

Fireworks Displays

19. Only public fireworks displays undertaken by the board authority for special functions are allowed in the park, (i.e. July 1 Celebration) and are subject to the following conditions;

(a) public fireworks displays must be held in an approved location;

(b) public fireworks displays must be under the direct supervision of a fireworks supervisor;

(c) 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 conformance with the current “ Fireworks Display Manual “ prepared by Natural Resources Canada.

(d) at the conclusion of the public fireworks display, all unused fireworks and debris shall be immediately removed and disposed of under the direction of the fireworks supervisor.

20. All other **Fireworks are not permitted** – subject to enforcement by a peace officer. The park is within the boundaries of a bird sanctuary.

Immunity from Liability

21. The Park Authority, a Park Officer, Peace Officer or Police Officer shall not be liable for any damage or injury occurring as a result of persons undertaking activities within this Bylaw whether allowed by the Bylaw.

22. Unless otherwise stated, any Act and regulations referred to in this Bylaw shall include any amendments to the legislation and regulations proclaimed successive to that specifically referred to herein.

23. Neither this Bylaw nor the National Fire Code shall be construed to hold the Park Authority, the Municipal Fire Department, its member, or employees, agents, or volunteers, responsible or liable for any damage to persons or property by reasons of:

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- a) inspections authorized by this Bylaw or the National Fire Code;
- b) failure to carry out an inspection;
- c) the approval or disapproval of any equipment authorized herin.

PART IV - PENALTY & ENFORCEMENT

24. Any person who contravenes Part III of this Bylaw is guilty of an offence liable on Summary Conviction to a fine not less \$100.00 and not more than:

- a) \$2,000 in the case of an individual
- b) \$5,000 in the case of a corporation; and

25. A continuing offense of \$100 per day or any portion thereof. Notwithstanding section 24 where the Park Authority or a Peace Officer believes that a person has contravened any provisions of Part IV of this Bylaw, they may serve upon such person a Notice of Violation 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.

26. Such notice shall be deemed to have been served:

- (i) on the expiration of seventy-two hours after it is posted, if the notice mailed;
- (ii) on the day of service, if the notice is served personally;

27. Notice of Violation shall be in such form as determined by the Administrator and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in the "Voluntary Penalty Clause" Schedule A hereunto attached and forming part of this bylaw that will be accepted by the Park Authority in lieu of prosecution.

(a) Upon production of a Notice of Violation issued pursuant to this Part, within fourteen (14) days from the issue thereof, together with payment of the fee as provided in Part IV to the Administrator of the Park Authority, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.

(b) This does not prevent any person or corporation to exercise their right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

28. Subject to Section 27 b, the payment of a fine for any offence is in default when all or any part of the fine is due and unpaid after 14 days.

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29. If all or part of a fine for an offence is in default, the person to whom the ticket was issued shall continue to be liable to pay the fine imposed, and in addition, is liable to pay a late payment charge in the amount of \$40.00.

30. The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.

31. (a) 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 Park Authority for any services or activities provided respecting this Bylaw as a result of that persons contravention of this Bylaw as issued by the Park Authority or Peace Officer.

(b) Pursuant to section 13 of *The Regional Parks Act, 2013* unpaid charges and fees shall be added to the lease/camping permit for that property whereby the contravention was so initiated.

Severability

32. If a Court of competent jurisdiction should declare any section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Board to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

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Coming into Force

44. This Bylaw shall come into force and take effect on final passing thereof.

Chairman

Administrator

Certified a true copy of the original
Bylaw passed by the resolution of the
Park Authority present at their regular meeting
Held on the ____ day of _____,
2016.

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Schedule "A"

Voluntary Penalty Clause:

1. Any person who contravenes any of the provisions of the Bylaw, may be, at the discretion of the officer, subject to a voluntary penalty as listed:
 - (a) Section 1= \$100.00;
 - (b) Section 2 = \$100.00;
 - (c) Section 3 = \$100.00;
 - (d) Section 8 up to and including Section 15 = \$100.00
 - (e) Section 16 = \$100.00
 - (f) Section 17 (a) to (d) = \$100.00
 - (g) Section 18 (a) to (h) = \$100.00
 - (h) Section 19 and 20 = \$100.00