Pursuant to The Regional Parks Act 2013, Section 13 the Regional Park Authority has the general power to pass any bylaw that it considers expedient in relation to the safety, health and welfare of people and the protection of people and property.

Thomson Lake Regional Park Authority

BYLAW NO. #2- 2016

A BYLAW RESPECTING OPEN FIRES AND FIREWORKS

The Board of the Thomson Lake Regional Park Authority, in the Province of Saskatchewan, enacts as follows:

TITLE

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

PURPOSE

1. To provide for the protection and safety of property within Thomson Lake Regional Park;
2. To provide for the health, protection, safety and general welfare of public using Thomson Lake Regional Park;
3. To provide for fire protection within Thomson Lake Regional Park;
4. To regulate the sale and setting off of fireworks within Thomson Lake Regional Park.

PART I – DEFINITIONS

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

PARK ADMINISTRATOR means the Park Administrator designated by the Board.

PARK OPERATIONS MANAGER means the Park Operations Manager designated by the Board.

BOARD means the members of the Regional Park Authority.

BYLAW means the Thomson Lake 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.

FACILITY-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 Explosives Regulations, C.R.C. c. 599.

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

HIGH HAZARD FIREWORKS means subdivision 2 of Division 2 fireworks as defined in the Explosive Regulations, C.R.C., c. 599.

LOW HAZARD FIREWORKS means subdivision 1 of Division 2 fireworks as defined in the Explosives Regulations, C.R.C. c. 599.

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 Thomson Lake 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 Thomson Lake Regional Park.

PEACE OFFICER means a member of the Royal Canadian Mounted Police, a Special Constable or 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, including but not limited to a fire for the burning of yard waste.

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, within the Park.

4. 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.

6. An outdoor fire, outdoor burning appliance or barbeque, which is deemed hazardous, may be extinguished or removed by order of the Park Operations Manager, 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.

14. Where requested by the 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 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 leased 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 not 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.

Chimney Fire Pits

17. The following conditions apply for chimney fire pits:
    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 used an 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.

PART III – FIREWORKS

Sale of Fireworks

19. No person shall sell any high hazard fireworks to another person unless the person is a fireworks supervisor

20. No person shall sell any low hazard fireworks to another person unless the person is 18 years of age of older.

Fireworks Displays

21. A public fireworks display shall only be held in public locations approved and designated by the Park Authority.

22. No person shall hold a public fireworks display without first obtaining a Fireworks Permit from the Park Authority.

23. A public fireworks display shall be held at the time and location set out in the permit.

24. 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. Applicants with Fireworks Supervisor accreditation from other jurisdictions shall not receive a permit unless the Park Authority is satisfied that the applicant is properly trained and qualified in the use of high hazard fireworks.

25. The applicant for a permit for a public fireworks display using high hazard fireworks shall procure and provide to the Park Authority at least 7 days prior to the scheduled date of the display, a Certificate of Insurance which shall name the Park Authority 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.

26. 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.

27. 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.

28. 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.

Setting Off Fireworks

29. a. No person shall set off any fireworks in a manner that would create a danger, nuisance, annoy, disturb, injure, or otherwise endanger or detract from the comfort, repose, health or safety of another person or property; and

    b. In any case, no person shall set off any fireworks between the hours of 11 p.m. and 8 a.m. daily without prior written approval from the Park Authority or Park Operations Manager.

30. No person shall set off any fireworks on a street or other public place except as part of a public fireworks display as permitted by this Bylaw.

31. No person under 18 years of age shall set off any fireworks except under the direct supervision of a parent, guardian or other responsible adult.

32. No parent or guardian of a child under 18 years of age shall suffer or permit the child to set off any fireworks, except when under the direct supervision of the parent or guardian.

33. All discharging of fireworks is done in a safe manner and according to manufacturer's recommended usage.

34. The discharging is done in an area free from trees or other combustible material.

35. The discharging is done pursuant to all federal and provincial laws and regulations.

36. The discharging is done during appropriate weather conditions with no danger to persons or property.

37. The discharging is done only in designated areas in the Park.

Immunity from Liability

38. 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 any of the activities within this Bylaw whether allowed by the Bylaw.

39. 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.

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

PART IV – PENALTY

41. Any person who contravenes Part III of this Bylaw is guilty of an offence liable on Summary Conviction to a fine not less than $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

42. A continuing offence of $100 per day or any portion thereof. Notwithstanding Section 41 where the Park Authority or a Peace Officer believes that a person has contravened any provision in 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.

43. Such notice shall be deemed to have been served:
    a. on the expiration of seventy-two hours after it is posted, if the notice is mailed;
    b. on the day of service, if the notice is served personally;

44. 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" as Schedule A hereunto is 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 the 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.

45. Subject to Section 44 (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.

46. 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.

47. 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.

48. 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

49. 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.

Repeal

Bylaw 1997, Sections 77 to 78 are hereby repealed.

Coming into Force

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

Introduced and read for a first time this 11th day of July, 2016
Read for a second time this 11th day of July , 2016
Read for a third time this 11th day of July , 2016

Chairman

Park Administrator

SEAL

Schedule "A"

Voluntary Penalty Clause:

Any person who contravenes any of the provisions of the Bylaw may, at the discretion of the officer, be 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 up to and including Section 37 = $100.00