

**TOWN OF ST. WALBURG  
BYLAW NO. 2019-12**

**A BYLAW OF THE TOWN OF ST. WALBURG TO SET STANDARDS  
FOR THE CONTROL OF FIRE PITS, CHIMENEAS, WOOD STOVES, FIREPLACES,  
AND OTHER OUTDOOR APPROVED APPLIANCES IN RESIDENTIAL DISTRICTS**

The *Council* of the Town of St. Walburg in the Province of Saskatchewan enacts as follows:

**SHORT TITLE**

1. This Bylaw may be known and cited as the "Residential Fire Control Bylaw."

**PURPOSE**

2. The purpose of this bylaw is to regulate and control the use of any indoor/outdoor appliances and devices which burn wood and other materials in residential districts within the limits of the Town of St. Walburg.

**DEFINITIONS**

3. In this bylaw:
  - a. "Act" means *The Municipalities Act* and amendments thereto;
  - b. "Administrator" means the Chief Administrative Officer (CAO) of the Town of St. Walburg;
  - c. "Council" means the Council of the Town of St. Walburg;
  - d. "Designated Officer" means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
  - e. "Fire Chief" means the Fire Department member appointed by the St. Walburg and District Fire and Rescue Association as the head of the Fire Department and includes in the Fire Chief's absence:
    - i. the Deputy Fire Chief,
    - ii. any member of the Department appointed by the Fire Chief to temporarily act on their behalf and/or
    - iii. any other person appointed by Council;
  - f. "Indoor" means happening, used, or being inside a building;
  - g. "Owner" means the person, persons, or corporate entity designed as the registered owner of a property on the tax roll of the Town of St. Walburg;
  - h. "Outdoor" means existing, happening, or done outside a building and
  - i. "Town" means the Town of St. Walburg in the Province of Saskatchewan.

**REGULATIONS**

4. No owner shall install an outdoor fire pit without first having line locates performed to ensure that it will not be placed above or within one (1) meter (3.3 feet) of buried underground services.
5. No material or fuel other than seasoned wood, propane, natural gas, or wood pellets may be burned in a fire pit, indoor wood burner, chimenea, or fireplace in a residential zone.
6. Any indoor fire must be in a properly certified device, designed for the intended purpose.
7. All chimeneas shall be installed in accordance with *The National Building Code*.
8. At any point during an intentional fire, that the fire becomes out of control or deemed unsafe, the owner of the property will be instructed to extinguish the fire; if the owner is non-compliant, the Fire Department will be dispatched, and all costs associated will be billed to the owner of the property.
9. No owner shall leave a fire unattended.
10. Fire pits may not exceed seventy-five centimeters (75 cm or 29.5 inches) in width or diameter, and must be lined with brick, stone, concrete, or steel ring.
11. A fire pit or chimenea shall be separated from grass and other vegetation by a distance of at least

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forty centimeters (40 cm or 15.7 inches) by means of clean earth, sand, gravel, or other non-combustible material.

12. All fire pits and/or chimenea openings must be covered with heavy gauge metal screen with openings not exceeding thirteen millimeters (13 mm or 0.5 inches).
13. No fire pit and/or chimenea may be located closer than three meters (3 m or 9.8 feet) from any property line, building, or other combustible structures and may not be closer than six meters (6 m or 19.7 feet) from any neighboring or abutting residential dwelling.
14. Chimeneas shall not be used on balconies, wooden decks, or any combustible surface.
15. Should smoke from an open-air fire cause an unreasonable interference with the use and enjoyment of other person's property, and a complaint received, the Fire Chief, Deputy Fire Chief, or Captain may request that the fire be extinguished immediately.
16. The Council of the Town of St. Walburg reserves the right by resolution to ban the use of fire pits or chimeneas on a specific lot or parcel of land if the Chief Administrative Officer receives written complaints about the fire pit and/or chimeneas from the abutting property owners or tenants.

**FIRE BAN**

17. When a fire ban has been implemented, no owner shall light, ignite, start, or allow to be light, ignited, or started any fire in any indoor/outdoor appliance or device.
18. Should a fire be reported during a fire ban, any resulting call out fees shall be charged to the property owner.

**ENFORCEMENT**

19. The administration and enforcement of this bylaw is hereby delegated to the Administrator for the Municipality.
20. The Administrator of the Municipality is hereby authorized to further delegate the administration and enforcement of this bylaw to another designated officer of the Municipality.


**INSPECTIONS**

21. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
22. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
23. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer.

**ORDER TO REMEDY CONTRAVENTIONS**

24. If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
25. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
26. Orders given under Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

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**REGISTRATION OF NOTICE OF ORDER**

27. If an order is issued pursuant to Section 24, the Municipality may, in accordance with Section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

**APPEAL OF ORDER TO REMEDY**

28. A person may appeal an order made pursuant to Section 23 in accordance with Section 365 of *The Municipalities Act*.

**MUNICIPALITY REMEDYING CONTRAVENTIONS**

29. The Municipality may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
30. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

**RECOVERY OF UNPAID EXPENSES AND COSTS**

31. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw may be recovered either:
- a. by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or
  - b. by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

**OFFENCES AND PENALTIES**

32. No person shall:
- c. fail to comply with an order made pursuant to this Bylaw;
  - d. obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
  - e. fail to comply with any other provision of this Bylaw.
33. A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of One Hundred Dollars (\$100.00) to be paid to the Municipality within thirty (30) days.
34. Where the Municipality receives voluntary payment of the amount prescribed under Section 32 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
35. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 23 of this bylaw.
36. Every person who contravenes any provision of the Nuisance Bylaw is guilty of an offence and liable on summary conviction:
- f. in the case of an individual, to a fine of not more than \$10,000;
  - g. in the case of a corporation, to a fine of not more than \$25,000; and
37. in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

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**COMING INTO FORCE**

38. This Bylaw shall come into force and take effect from and after the day of final passing thereof.



*[Signature]* Mayor  
*Shiloh Bronken*  
Chief Administrative Officer

This Bylaw given first reading at the August 27, 2019 Regular Meeting of Council.

*Shiloh Bronken*  
Chief Administrative Officer

This Bylaw given second and third readings and adoption at the September 26, 2019 Regular Meeting of Council.

*Shiloh Bronken*  
Chief Administrative Officer

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*Shiloh Bronken*  
Chief Administrative Officer  
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