



CORPORATION OF THE CITY OF SUMMERSIDE

BYLAW NAME: Open Fires Bylaw

BYLAW #: CS-35

BE IT ENACTED by the Council of the City of Summerside as follows:

1. Title:

1.1 This bylaw shall be known and cited as the “Open Burn Bylaw”

2. Definitions:

2.1 In this bylaw:

- a) “Fire Season” means the period from April 1 to December 1;
- b) “Fire Chief” means the member appointed by council as head of the fire department and includes Deputy Chief’s or designate;
- c) “Land Clearing Debris” means any organic material cleared from the land in the process of preparing the land for development, agriculture, silviculture, highway construction, utility installation or any other use;
- d) “Occupant” means a registered owner or agent of the owner;
- e) “Permit” means a document issued by the Fire Chief pursuant to this bylaw that authorizes a person to burn under the terms and conditions specified in the permit;
- f) “Prohibited Burning” means the burning of domestic, commercial, demolition materials, renovation waste, wooden pallets, plastics, drywall, tarpaper, tires, paint, rubber, etc.;
- g) “Recreational Fire Pit” means a fire pit for the burning of wood for recreational purposes and included approved outdoor wood burning appliances such as chimineas and outdoor fireplaces;
- h) “Special Event” means a community, cultural or ceremonial event or celebration.

3. Burn Permits:

- 3.1 Open fires are not permitted within city limits unless a permit is issued to the property owner;
- 3.2 Outdoor burn permits will be issued through the city of Summerside Fire Services;
- 3.3 Outdoor burn permits will only be issued from April 1st to December 1st;
- 3.4 Outdoor burn permits will not be issued in residential areas of the city;
- 3.5 Residents living within the city limits and have properties greater than one hectare or 2.47 acres, are eligible to apply for burn permits;
- 3.6 Residents are encouraged to take advantage of other options such as chipping, composting, commercial disposal.

4. Guidelines for Recreational Campfires:

- 4.1 Small recreational fires as outlined in the *City of Summerside Recreational Campfire* guidelines are permitted;
- 4.2 If the forest fire index reaches the level of “*High*” recreational campfires are prohibited;
- 4.3 Outdoor fires will not be started when winds are gusting or steady at 20/kph or higher;
- 4.4 Campfires should be at least 7 meters (25 feet) from any building and 3 meters (10 feet) from any shrubbery, wooden fences, overhanging trees, or combustible material;
- 4.5 Water containers, working garden hose and firefighting tools should be in close proximity to the fire;
- 4.6 A responsible adult must be present to monitor a fire and douse it if needed;
- 4.7 It is illegal to burn garbage. You can be charged and fined for burning plastic, rubber, treated wood, asphalt shingles, construction/demolition waste or household garbage. When burning these products toxic chemicals can be released that may be dangerous to you or your neighbor’s health;
- 4.8 Clean, dry firewood or briquettes should be the only fuel used in a backyard fire;
- 4.9 Fires may be tended in a ground pit with a noncombustible base or open ground of mineral soil, gravel, or sand;

- 4.10 Above-ground fireplaces must be made of non-combustible material (metal, brick, cement, etc.);
- 4.11 Always keep outdoor fireplaces and pits in good repair and in a safe condition with a spark arrestor screen that has no more than a ½ inch mesh;
- 4.12 Extinguish a fire immediately if ordered by a City of Summerside Fire Officer;
- 4.13 A fire should be completely extinguished and soaked to stop re-ignition by 11 pm;
- 4.14 Think of your neighbors. Be kind. Don't subject them or their homes to dense, wind-blown smoke;

5. Administration

- 5.1 The Fire Chief may:
 - a) Keep records of application received, permits, notices, orders issued and may retain all papers and documents associated with the administration of this bylaw;
 - b) No person shall interfere with or obstruct the entry of the Fire Chief while acting in the conduct of administering or enforcing this bylaw.

6. Special Events or Ceremonial Burn Permit

- 6.1 Where the Fire Chief deems it acceptable to do so, he may issue a permit to allow the burning of clean, dry, solid, and untreated wood in an open-air special event or ceremonial burn.
- 6.2 Special events or ceremonial burn permits may be approved in writing by the Fire Chief subject to the following conditions:
 - a) A competent person must always be present and in charge of the fire while it is burning or smoldering;
 - b) A competent person must be provided with efficient appliances and equipment to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property;
 - c) A competent person must ensure that the fire is completely extinguished;
 - d) No burning may be carried out within 6 meters (20 feet) from any forestland, building, structures, or any combustibles;

- e) Despite the issuance of a permit under this section, no burning may be carried out if:
 - I. It would be unsafe to do so due to climatic conditions or any hazard;
 - II. If the Fire Weather Index is too high or is otherwise deemed by the Forests Fish and Wildlife Division to be not suitable for burning.
- f) Where the Fire Chief issues a permit under this bylaw to allow a fire for the purpose of a special event or ceremonial burn, the Fire Chief may require that his firefighters be in attendance to provide fire protection, if at his discretion, there is a level of risk in the circumstances.

7. Land Clearing Debris Burn Permit

7.1 All open burning for the purpose of land clearing debris shall comply with the following terms, conditions, restrictions, and requirements for the Fire Chief to issue a permit.

- a) Permits will only be issued for open burning of land clearing debris which originates from the site on which the burning is to be carried out and following referral to an approval from federal or provincial regulatory agencies where applicable;
- b) Burning of land clearing debris may only occur from April 1st to December 1st and only with the approval of the Fire Chief;
- c) The Fire Chief may extend the burn period of land clearing debris, if he deems conditions exist that won't create a fire hazard due to burning;
- d) No permit for open burning will be issued for a property, if open burning has been carried out on the same property during the preceding 15 days;
- e) Stumps or other material in excess of 20 cm (8 inches) in diameter must not be burned unless they have been allowed to dry for at least one year. A lesser period of time may be acceptable to the Fire Chief having regard to the nature of the material;
- f) The ignition of materials for open burning of land clearing debris shall only be carried out during daylight hours;
- g) No burning materials shall be added to the land clearing debris fire after 5:00 PM unless otherwise authorized in writing by the Fire Chief.
- h) Ignition of materials for burning of land clearing debris shall only occur on the days when the Air Quality Health Index is reported by the Meteorological Service of

Canada as “good” or greater and “fair” or greater for the second day of smoke release;

- i) The smoke release for each permit shall not be greater than 72 consecutive hours;
- j) To facilitate burning and reduce smoke the Fire Chief may require a permit holder to use special equipment to facilitate burning under certain circumstances.

8. Responsibility for Fires

- 8.1 Every person who lights, ignites, starts, allows or causes any kind of fire whatsoever to be started in the open air, or fails to extinguish such fire, whether such fire was started with or without a permit under this bylaw shall be responsible for the fire. If such a fire gets out of control, that person shall be liable for all costs and expenses incurred by the city in controlling and extinguishing the fire. For the purpose of this section, a fire shall be deemed “out of control” when it spreads beyond the boundaries of its enclosure or the parcel of land on which it was started or threatens to do so, or when it endangers any building or property.
- 8.2 If a person fails to pay the city the cost it occurs to control and extinguish the “out of control” fire, the city may recover its costs from the owner of the property from which the “out of control” fire originated in the same manner as for municipal property taxes. If such costs remain unpaid, they shall be deemed to be taxes in arrears.

9. Refusal and Revocation of Permits

- 9.1 The Fire Chief may revoke a permit if there is a violation of a condition under which the permit was issued;
- 9.2 If a permit revocation is issued, it must be in writing and sent to the permit holder by mail or personal service on the permit holder.

First Reading

This Open Fires Bylaw CS-35, was read a first time at the Council meeting held on the 17 day of May, 2021.

This Open Fires Bylaw CS-35, was approved by a majority of Council members present at the Council meeting held on the 17 day of May 2021.

Second Reading

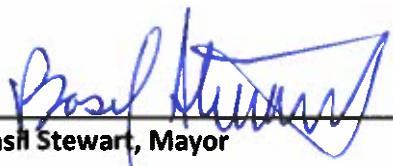
This Open Fires Bylaw CS-35, was read a second time at the Council meeting held on the 21 day of June, 2021.

This Open Fires Bylaw CS-35 was approved by a majority of Council members present at the Council meeting held on the 21 day of June, 2021.

Approval and Adoption by Council

This Open Fires Bylaw CS-35, was adopted by a majority of Council members present at the Council meeting held on the 21 day of June, 2021.

Signatures


Basil Stewart, Mayor


Rob Philpott, Chief Administrative Officer



This Open Fires Bylaw CS-35 adopted by the Council of the City of Summerside on the 21 day of June, 2021 is certified to be a true copy as seen by me.


Rob Philpott, Chief Administrative Officer

June 24th, 2021
Date