

**CITY OF THOMPSON
BY-LAW NUMBER 1809-2009**

BEING A BY-LAW OF THE CITY OF THOMPSON TO REGULATE OPEN AIR BURNING WITHIN THE LIMITS OF THE CITY OF THOMPSON.

WHEREAS Section 232 (1)(a) and (i) of *The Municipal Act*, L.M. 1996, c.58 Chap. M225 provide as follows:

232 (1) A Council may pass by-laws for municipal purposes respecting the following:

- a) the safety, health, protection and well being of people, and the safety and protection of property;
- i) preventing and fighting fires;

AND WHEREAS the Council of the City of Thompson deems it desirable to regulate open air burning within the limits of the City of Thompson;

NOW THEREFORE the Council of the City of Thompson, in regular session duly assembled, enacts the following:

I. GENERAL

1) **TITLE**

This by-law shall be referred to as the "Open Air Burning By-Law."

2) **DEFINITIONS**

In this by-law:

- a) **"FIRE PIT"** means any non-combustible structure or container, used for recreational purposes and constructed in accordance with this by-law.
- b) **"FIRE CHIEF"** means the individual appointed by Council as the head of the Municipal Fire Service or his or her designate, who shall be responsible for the operation and enforcement of this by-law.

- c) **“OUTDOOR MANUFACTURED BURNING APPLIANCE”** means a manufactured outdoor burning appliance constructed of metal, clay or similar material, which must display Underwriters Laboratories of Canada (ULC) or Canadian Standards Association (CSA) certification.

II. REGULATIONS

- 3) a) A Fire Pit shall be constructed of non-combustible materials.
- b) A Fire Pit shall be located on a flat level surface, and be built on or have included in its base, a non-combustible material.
- c) A Fire Pit shall be no larger than thirty-six inches (36”) in width or diameter and must extend above grade level by a minimum of twelve inches (12”), and no higher than twenty inches (20”).
- d) Except where otherwise accepted by the Fire Chief, a Fire Pit shall be covered by a substantial screen or grate with openings not to exceed half an inch (0.5”) in any dimension.
- e) A Fire Pit shall not be located closer than ten feet (10’ or 3 meters) to any property line or any combustible material, including but not limited to, buildings, structures, fences, patio decks, or foliage as measured from the nearest Fire Pit edge.
- f) A Fire Pit base shall be protected with brick, stone or concrete and must extend a minimum of eighteen inches (18”) beyond the Fire Pit in all directions.
- 4) When in use, a Fire Pit must be attended by a competent person of eighteen (18) years of age or older, and have adequate means of extinguishing the fire.
- a) Fires shall not be set in windy conditions conducive to creating a running fire or nuisance to any other person. The Fire Chief at any time may ban burning in Fire Pits due to these reasons or for any other reason that he or she deems necessary.
- b) If smoke from such fire causes an unreasonable interference with the use and enjoyment of another person’s property, the fire shall be extinguished immediately.
- 5) No person shall burn anything in a Fire Pit other than charcoal, or cut seasoned wood. The burning of the following materials is strictly prohibited:

- a) Rubbish;
 - b) Household waste;
 - c) Garden waste, including clippings, leaves or any other compostable material;
 - d) Any material which may, when burned, generate black smoke or an offensive odour.
- 6) Fire pits must not be overloaded with fuel.

III. OUTDOOR MANUFACTURED BURNING APPLIANCES

- 7) a) Outdoor manufactured burning appliances shall not be used indoors or on balconies.
- b) If placing an outdoor appliance on a deck, it shall be placed on a non-combustible surface with an eighteen inch (18") clearance around the appliance and a minimum of twelve inches (12") clearance to the bottom of the fire box. Such appliance shall be permanently affixed to the deck in a manner preventing any accidental overturn.
- c) If placing an outdoor manufactured burning appliance on the ground, there shall be a thirty-six inch (36") clearance around the appliance from vegetation or other combustibles, and a twelve inch (12" minimum clearance to the bottom of the fire box.
- d) The fire box shall not exceed thirty inches (30") in width and shall be between sixteen inches (16") and twenty four inches (24") in depth.
- e) Outdoor fireplaces shall have a secured chimney no less than eight feet (8') in height.

IV. HOURS OF PERMITTED USE

- 8) The use of fire pits and outdoor manufactured burning appliances shall be permitted between the hours of 6:00 a.m. and 12:00 a.m. seven days a week.

V. INSPECTIONS AND FIRE PIT PERMITS

- 9) Every owner or occupier of a property on which they wish to place a Fire Pit or outdoor burning appliance shall be required to apply for a permit. Such application shall also include a site plan of the proposed location.

- 10) Upon receipt of an application, the Fire Chief shall consider such application and upon the Fire Chief's discretion may:
 - a) Refuse to grant such a permit;
 - b) Grant a permit with conditions;
 - c) Grant a permit with no conditions.
- 11) Permits are non-transferable.
- 12) Applications for permits, attached hereto as Schedules 'A' and 'B', may be obtained from the Thompson Fire and Emergency Services, located at 226 Mystery Lake Road seven days a week between the hours of 8:00 a.m. and 6:00 p.m.
- 13) Prior to any Fire Pit being used it must:
 - a) be inspected by the Fire Chief and approved for use, at which time a Fire Pit Permit will be issued.
- 14) Fire Pit permits will be valid for the period of one calendar year.
- 15) To ensure compliance, and in order to renew a Fire Pit Permit, the Fire Pit must be re-inspected by the Thompson Fire and Emergency Services Department every year thereafter.
- 16) Any damage or displacement of the Fire Pit renders the Permit null and void and is cause for re-inspection by the Thompson Fire and Emergency Services Department.
- 17) No Fire Pit Permit shall be required to light, ignite, or start or allow or cause to be lighted, ignited, or started a small contained fire in a barbecue, grill or similar device used to cook food, except in high-rise buildings and apartments with balconies of combustible construction or insufficient space where an electric barbecue shall be the only type permitted.

VI. FEES AND PENALTIES

18) **FEES**

Fire Pit Permit fees are as stated in the City of Thompson Fee and Fine Schedule, as it exists or as amended.

19) **PENALTIES**

Any person who contravenes a provision of this by-law is committing an offence and may be charged a fine as outlined in the City of Thompson Fee and Fine Schedule, as it exists or as amended. At the discretion of the Fire Chief, Deputy Fire Chief or person having authority, a person who contravenes a provision of this by-law may be charged the fee associated with the dispatch of the Fire Department.

All fines and cost imposed on a prosecution under this By-law, are a debt owed by the person who set a fire and the owner of the property on which the fire was located, to the City and may be recovered by the City in a court of competent jurisdiction or may be collected by the City in the same manner as a tax may be collected or enforced under *The Municipal Act*.

VII. ANNUAL REVIEW

- 20) This by-law and statistics relating to open air burning and fire pit permits shall be reviewed by Mayor and Council at least once per calendar year.

Read a first time this 1st day of June , 2009 A.D.

Read a second time this 15th day of June , 2009 A.D.

Read a third time this 29th day of June , 2009 A.D.

Done and passed by the Council of the City of Thompson in regular session assembled this 29th day of June , 2009 A.D.

The City of Thompson

Per: _____
Mayor

Per: _____
City Manager

Schedule "A"
By-Law No.1809-2009

Application for Acceptable Fire Pit/Outdoor Burning Appliance Permit
Thompson Fire & Emergency Services

Applicant's Name: _____ **Address:** _____

Postal Code: _____ **Phone#** _____ **Date:** _____

Type of Construction

Brick _____ Concrete Block _____ Masonary _____ Heavy Gauge Metal _____

Utility companies consulted for line locates:

Hydro _____ MTS _____ Cable TV _____ Stittco _____

Comments: _____

I, the above applicant have read and understand the Guidelines, Use and Safety Conditions in the attached pages of this form and warrant my Fire Pit installation is in compliance with the Guidelines. I further accept any and all responsibility and liability for damages that may occur from the use of my Fire Pit.

Signature of Applicant _____

Inspected and Approved by _____ **on this** _____ **day of** _____, **20**_____.

Expiration Date _____

