

Bylaw No. 196

A BYLAW TO ADDRESS AIR QUALITY AND REGULATE THE BURNING OF REFUSE, OPERATION OF FUEL BURNING EQUIPMENT AND BACKYARD FIRE PITS

The Council of the Village of Neilburg, in the Province of Saskatchewan, under the authority of the *Clean Air Act*, Section 18, enacts as follows:

Definitions 1. All terms and expressions used in this bylaw shall have the same respective meanings outlined in the *Clean Air Act* and *Clean Air Regulations* and the *Urban Municipality Act, 1984*.

- Prohibitions** 2. a) No person shall cause or permit to be caused the open burning of trash, garbage, industrial waste or any other material in a manner or in an incinerator in a manner that causes air pollution within the boundaries of the Village of Neilburg.
- b) No person shall operate or permit the operation of any industrial source, incinerator or fuel-burning equipment in a manner that results in the discharge of a quantity of air contaminants that, either alone or in combination with a quantity of the same air contaminants emitted from another industrial source, incinerator or fuel-burning equipment, causes a concentration of the air contaminants in the ambient air within the boundaries of the Village of Neilburg that is:
- 1) injurious to the health or safety or comfort of the public;
 - 2) injurious or damaging to the property or to plant and animal life;
 - 3) an interference with normal business; or
 - 4) obnoxious to the public.
- c) No person shall operate a backyard firepit/fireplace used for recreational purposes unless it is constructed in accordance with attached Appendix "A" which shall form part of this bylaw.

Incinerators 3. No person shall cause or permit to be caused the burning of trash, refuse, garbage, industrial waste or any other waste material in a manner or in an incinerator other than that approved by the Department of the Environment and Resource Management.

Fuel Burning 4. a) An application in accordance with attached Appendix "B" must be completed for any new fuel burning equipment not utilizing natural gas or propane for residential and industrial heating within the boundaries of the Village of Neilburg. (Information as specified in the *Clean Air Regulations* Section 3 shall be used as a guide in assessing the completeness of any application for any new or existing fuel burning equipment).



- b) Any existing fuel burning equipment for residential or industrial heating already installed must install air abatement equipment satisfactory to the Village of Neilburg. The air abatement equipment shall be installed in a manner that insures that conditions specified in the Prohibition clause condition 2 b) (1), (2), (3) and (4) above are met.

Exclusions 5. Sections 2 and 3 of the bylaw do not apply to:

- a) residential outdoor barbecues using propane or charcoal , for cooking
- b) A Municipal Waste Disposal Site operating in accordance with the *Clean Air Act*;
- c) the burning of brush for the purpose of clearing land for a roadway, railway line, pipeline or any other right of way; and
- d) a fire for the purpose of burning weeds, the prevention or control of fires or the training of persons for fire fighting, if the fire is specifically authorized or required pursuant to any Act, Act of Parliament or bylaw of the Municipality.

6. Approval from the Council of the Village of Neilburg is required prior to causing a fire for the purposes outlined in section 5 (c) and 5 (d). In an emergency situation approval may be obtained from the local fire chief or policy authorities.

Penalties 7. Any person who violates or fails to comply with any of the provisions of this bylaw is guilty of an offense and liable on summary conviction to the penalties set out in the *Urban Municipality Act, 1984, Clean Air Act, Clean Air Regulations* or the General Penalty Bylaw of the Municipality.

Coming Into Force 8. This bylaw shall come into force upon approval by the Minister or Saskatchewan Environment.



Mayor



Administrator

CERTIFIED a true copy of Bylaw No. 196 adopted by Council the 1st day of March, 2004.



Administrator

APPENDIX "A"
BYLAW NO. 196

FIRE PIT SPECIFICATIONS

- a) to be located in back yards only, a minimum of 3 meters (10 feet) clearance from buildings, property lines, or other combustible material.
- b) the burning area not to exceed 1 meter (3 feet) in width, height or diameter when measured between the widest points.
- c) the fire pit/fireplace shall have enclosed sides made from bricks, concrete blocks, heavy gauge metal or other non-combustible material acceptable to the Fire Chief.
- d) a spark arrester mesh screen with openings no larger than 1.25 cm (1/2 inch) and constructed of expanded metal must be used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- e) persons wishing to construct a fire pit/fireplace shall make applications which shall include a site plan to the Village of Neilburg. Construction may not begin until permission is granted.

CONDITIONS FOR BURNING

- a) at least one (1) responsible adult shall be in attendance to monitor and control the fire and have available means to extinguish the fire should an emergency situation develop.
- b) the fire pit/fireplace shall be located in an area free of dry grass, brush, or combustible soil.
- c) the fire pit/fireplace shall be used in a manner which does not cause any inconvenience to neighbours.
- d) only the following material shall be permitted for burning in a fire pit/fireplace:
 - clean wood products with no preservatives
 - prefabricated burning logs
 - manufactured combustible gases or solid fuel designed for home barbecue use
- e) reports of non-compliance to be reported to the Village Office.
- f) any person who continues non-compliance after being advised may have their privileges revoked and be fined under the municipal general penalties bylaw.

APPENDIX "B"
BYLAW NO. 196

APPLICATION FOR FUEL BURNING EQUIPMENT

DATE: _____

APPLICANT: _____

ADDRESS: _____

RESIDENTIAL OR INDUSTRIAL USE: _____

PURPOSE: _____

DETAILED EQUIPMENT DESIGN INFORMATION AS DESCRIBED IN SECTION 3 OF
THE *CLEAN AIR REGULATIONS*:

NOTE: Applications may take up to 30 days for processing.

Signature

APPROVED: _____

Signature

REJECTED: _____

Signature

REASON: _____

Office Use Only



April 21, 2004


Ms. J. Black
Administrator
Box 280
Neilburg, SK
SOM 2C0

Dear Ms.Black:

Re: Bylaw No. 196 addressing "Air Quality Issues" for the Village of Neilburg

Following receipt and review of your letter dated April 15th, 2004, please be advised that I hereby approve the Village of Neilburg's Bylaw No. 196 as required under Section 18 (2) of "*The Clean Air Act*". The Bylaw will address air quality issues within the boundaries of the town of Neilburg with respect to the burning of refuse, operation of fuel burning equipment and backyard fire pits.

If you have any questions concerning the above please contact the undersign in North Battleford Office at (306) 446-7683.



Scott Meekma, Environment officer, Parkland Ecoregion
acting for and on Behalf of the Minister of Saskatchewan
Environment

