



A BYLAW OF THE VILLAGE OF TORQUAY IN THE PROVINCE OF SASKATCHEWAN TO ADDRESS AIR QUALITY AND REGULATE THE BURNING OF REFUSE, OPERATION OF FUEL BURNING EQUIPMENT AND BACKYARD FIRE PITS WITHIN “THE BOUNDARIES OF THE VILLAGE OF TORQUAY”

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

Definitions 1. a) All terms and expressions used in this bylaw shall have the same respective meanings outlined in *The Clean Air Act* and *The Clean Air Regulations*.

Prohibition 2. a) No person shall cause or permit to be caused the open burning of trash, refuse, 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 Torquay.
 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 Torquay 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 fire pit/fireplace used for recreational purposes unless it is constructed in accordance with attached Appendix “A” which shall form a part of this bylaw.

Incinerators 3. a) No person shall cause or permit 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 Saskatchewan Environment.

Fuel Burning Equipment 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 Torquay. (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 Torquay. 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) recreational outdoor barbeques using propane, natural gas or charcoal, for cooking purposes;
- 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 Torquay is required prior to causing a fire for the purposes outlined in sections 5 c) and 5 d). In an emergency situation approval may be obtained from the local fire 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 Municipalities Act*, *The Clean Air Act*, *The Clean Air Regulations* and/or the General Penalty Bylaw of the Municipality.



Mayor Strachan

Read a 3rd time and unanimously adopted
This 17th day of June, 2010.

Administrator Deschner



APPENDIX "A"
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/fireplace shall make application which shall include a site plan to the Village of Torquay. 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 neighbors.
- 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, Village Council, or www.villageoftorquay.com.
- f) Any person who continues non-compliance after being advised may have their privileges revoked and be fined under the municipal general penalties bylaw.