

**TOWN OF INUVIK
BY-LAW #2650/FC/20**

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO REGULATE THE SETTING OF FIRES, THE USE OF FIREWORKS, TO PREVENT THE SPREADING OF FIRES AND TO ESTABLISH A FIRE PERMIT SYSTEM FOR THE TOWN OF INUVIK

PURSUANT TO the *Cities, Towns and Villages Act* of the Northwest Territories, S.N.W.T. 2003, c.22 as amended;

AND WHEREAS the *Fire Prevention Act*, R.S.N.W.T. 1988, c.F-6., as amended allows the local authority having jurisdiction to implement a fire permit system;

AND WHEREAS the Fireworks Regulation of the *Fire Prevention Act*, R.S.N.W.T. 1988, c.F-6., as amended regulates the sale of fireworks to any person;

AND WHEREAS the Council of the Municipal Corporation of the Town of Inuvik in the Northwest Territories deems it necessary to protect lives and property through the prevention of fires;

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal Corporation of the Town of Inuvik, in Council duly assembled, enacts as follows:

1.0 SHORT TITLE

1.1 This by-law may be cited as the **“Open-air Burning and Fireworks By-law”**.

2.0 INTERPRETATION

2.1 In this by-law:

- (a) **“Burn Permit”** means an open-air burn permit issued by the Town of Inuvik.
- (b) **“Council”** means the Council of the municipal corporation of the Town of Inuvik.
- (c) **“Fireworks”** means low-hazard firework articles designed for recreational use by the public. These articles include items such as roman candles, sparklers, fountains, wheels, volcanoes, mines, and snakes.
- (d) **“Fire Chief”** means a full-time employee of the Town of Inuvik appointed as the Fire Chief or Director of Protective Services or designate under the *Cities, Towns, and Villages Act*, as amended.
- (e) **“Fire Department”** means a group of Firefighters authorized to provide fire protection services by the Town;
- (f) **“Fire Pit”** means a fire burn area specifically designed for open air fire.
- (g) **“Fire Prevention Act”** means the Northwest Territories Fire Prevention Act R.S.N.W.T. 1988, c.F-6., as amended.
- (h) **“Firefighter”** means any person employed in, or appointed to, a fire department and assigned to undertake fire protection services, rescue, and emergency services and the delivery of all those services.
- (i) **“Fireworks Permit”** means a permit for use of consumer fireworks within the Town of Inuvik issued by the Fire Chief.
- (j) **“Open-air Fire”** means an outdoor fire that is not controlled by a mechanical device.

- (k) **“Out of Control Fire”** means a fire that requires the fire department to respond to extinguish.
- (l) **“Peace Officer”** means:
 - i) a member of the Royal Canadian Mounted Police; or
 - ii) a By-law Enforcement Officer.
- (m) **“Person”** has the meaning given to it in the *Interpretation Act*.
- (n) **“Portable Barbecue Appliance”** means an appliance or structure designed and intended solely for the cooking of food in the open air, including a hibachi, and any other similar commercially manufactured device designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth, fire pits or campfires.
- (o) **“Sky Lantern”** also known as Chinese Lantern, Kongming Lantern, or Wish Lantern means a small airborne, fire-holding device made of paper or other lightweight material, not under direct control of the user, and with a small fire within it.
- (p) **“Town”** means the Municipal Corporation of the Town of Inuvik in the Northwest Territories.

3.0 RULES FOR BURNING WITHIN MUNICIPAL BOUNDARIES

- 3.1 No person shall set or maintain an open-air fire without a valid permit issued by the Town. The Fire Chief or their designate holds the authority to issue permits
- 3.2 Section 3.1 of this by-law does not apply to a firefighter while in the performance of their duties.
- 3.3 Where a burn permit has been issued to a person by the Town, all persons shall comply with the following regulations:
 - (a) The fire must be under constant supervision and controlled from the time of lighting until it is totally extinguished.
 - (b) An extinguishing agent that is sufficient to contain the fire must be present on site during the fire.
 - (c) The fire must be located no closer than 5 meters (16 feet) from any building, structure, hedge, fence, utilidor, road, or overhead wire or obstruction of any kind.
 - (d) There must be a space of at least 3 meters (10 feet) free and clear of combustible material around the perimeter of such fire.
 - (e) The fire shall not be burned during periods of dry conditions or drought or when a ban has been declared.
 - (f) The fire shall not be burned when the wind velocity exceeds 16 kilometers per hour.
 - (g) The dimensions of the fire shall not exceed:
 - i) Residential - 1 meter (3 feet) in diameter, or 2 meters (6 feet) in height
 - ii) Industrial – Burn barrel/container approved by the Fire Chief or designate.
 - (h) No person shall allow or permit a fire to become out of control.

- 3.4 No person shall light, ignite, start or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air, including airborne fire holding devices not under the control of the user such as sky lanterns.
- 3.5 A person shall only burn what is specified by the permit.
- 3.6 The Fire Chief or designate may extinguish or order to be extinguished any open-air fire if, in the opinion of the Fire Chief or designate, the fire is not in compliance with any provision of this by-law.

4.0 FIREWORKS WITHIN MUNICIPAL BOUNDARIES

- 4.1 Fireworks shall be controlled, and their use authorized in accordance with the *Fire Prevention Act*.
- 4.2 Permits are required for purchase of fireworks within the Town of Inuvik and are issued by the Fire Chief or designate.
- 4.3 Permits are required for the use of fireworks within the Town of Inuvik and are issued by the Fire Chief or designate.
- 4.5 No merchant shall sell fireworks to anyone who does not present a Town of Inuvik fireworks permit at the time of purchase.
- 4.6 Fireworks permits for residents of other cities, towns or villages must be issued by the respective authority having jurisdiction for those cities, towns or villages.

5.0 EXCEPTIONS

- 5.1 This by-law shall not apply to portable barbecue appliances or fire pits designed for cooking purposes.
- 5.2 The Fire Chief or designate may authorize exceptions to the requirements listed in this by-law and may assess cost recovery action in accordance with the Town of Inuvik Fees and Services Policy if fire department resources are utilized as a result of the exceptions.
- 5.3 The Fire Chief or designate is authorized to order any person to extinguish any fire or to cause such fire to be extinguished when there is a breach of any of the provisions of this by-law or where, in their opinion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.

6.0 COST RECOVERY

- 6.1 Any burning that takes place in contravention of this by-law that requires fire department response will result in cost recovery action being taken and the appropriate fees charged as prescribed in the Town of Inuvik Fees and Charges Policy.
- 6.2 Any person who contravenes this by-law and causes the fire department to be dispatched shall be subject to a penalty in addition to any charge imposed to defer the cost associated with dispatching the fire department.

7.0 OFFENCES

- 7.1 Any corporation that fails or neglects to perform the duties or requirements imposed upon it under the provisions of this by-law is guilty of an offence and liable on summary conviction to a fine as listed in the specified penalties not to exceed ten thousand dollars (\$10,000.00). Specified penalties for offenses under this by-law are listed in Schedule A attached to and forming part of this by-law.

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- 7.2 Any other person who contravenes any of the provisions or requirements of this by-law is guilty of an offence and liable on summary conviction to a fine as listed in the specified penalties not to exceed two thousand dollars (\$2,000.00). Specified penalties for offenses under this by-law are listed in Schedule A attached to and forming part of this by-law.
- 7.3 A Peace Officer may issue a Summary Offence Ticket Information in the form prescribed by the Summary Conviction Procedures Act and regulations to any person who violates any provision of this by-law and such person may, in lieu of prosecution, pay the Town the applicable voluntary penalty prior to the court date specified on the ticket. Specified penalties for offenses under this by-law are listed in Schedule A attached to and forming part of this by-law.

8.0 SEVERABILITY

- 8.1 The provisions of this by-law are severable and the invalidity of any part of this by-law shall not affect the validity of the remainder of this by-law.

9.0 REPEALS

- 9.1 By-law 2581/FC/15 as amended and any other burning by-laws in effect are hereby repealed.

10.0 EFFECT

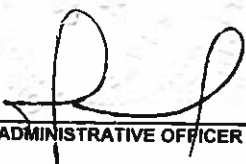
- 10.1 This by-law will come into effect upon the day of its final passage.

READ A FIRST TIME THIS 11TH DAY OF MARCH, 2020 A.D.

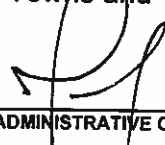
READ A SECOND TIME THIS 11TH DAY OF MARCH, 2020 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF APRIL, 2020 A.D.


MAYOR


SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the Cities, Towns and Villages Act and the by-laws of the Town of Inuvik.


SENIOR ADMINISTRATIVE OFFICER

SCHEDULE A
SPECIFIED PENALTIES

SECTION	OFFENCE	AMOUNT
3.1	Burning without a permit	Individual Corporation \$ 200.00 \$500.00
3.4	Igniting Airborne fire holding devices not under the control of the user	\$500.00 \$1000.00
3.5	Illegal burning of garbage	Individual Corporation \$500.00 \$1,000.00
3.3 (a)	Failing to supervise or control a fire	Individual Corporation \$500.00 \$1000.00
3.3 (b)	Burning within 5 meters (16 feet) of any building, structure, hedge, fence, utilidor, road, or overhead wire or obstruction of any kind	\$150.00
3.3 (c)	Not providing a space of at least 3 meters (10 feet) free and clear of combustible material around the perimeter of a fire	\$150.00
3.3 (d)	Burning during periods of dry conditions or drought or when a ban has been declared	\$500.00
3.3 (e)	Burning when the wind velocity exceeds 16 kilometers per hour	\$150.00
3.3 (f)	Fire exceeding allowable dimensions	\$150.00
3.6	Burning that causes dispatching of fire department	\$500.00
4.2	Setting off fireworks without a permit:	Individual Corporation \$200.00 \$500.00
4.3	Merchants selling fireworks without verifying approved fireworks permit issued by the Town of Inuvik	\$1000.00