

BYLAW NO 3-2021

A BYLAW OF THE RURAL MUNICIPALITY OF BLUCHER, NO. 343 RESPECTING FIRE RESTRICTION.

The Council of the Rural Municipality of Blucher, #343, in the Province of Saskatchewan hereby enacts as follows:

TITLE

This bylaw shall be referred to as the “*Fire Restriction Bylaw*”.

PURPOSE

To provide for public safety in the times of extreme fire hazard conditions;
To restrict or eliminate the use of fire within the Municipality in areas of fire danger;
To attempt to minimize the risk of accidental fire;
To regulate open fires, fireworks and burning of any kind;

PART I - DEFINITIONS

1. “Chief Administrative Officer” shall mean the Chief Administrative Officer of the Municipality, or in their absence their designate.
2. “Council” shall mean the elected Council of the Municipality.
3. “Designated Officer” shall mean the Reeve or Deputy Reeve and a majority of Council.
4. “Discharge” includes to ignite, fire, or set off and the words “discharging” and “discharged” have a similar meaning.
5. “Enforcement and Protective Services” means the municipal department responsible for delivery of services and the RCMP within its jurisdictional area.
6. “Fireworks” means any article defined as a firework pursuant to The Canada Explosives Act or any Regulations thereto, shall also include Low Hazard Fireworks and High Hazard Fireworks and Manufactured Fireworks and include fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman Candles, volcanoes and sparklers and rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers, or any firework composition that is enclosed in any case or contrivance or is otherwise manufactured or adapted for the production of pyrotechnic effects, signals or sound but does not include sparklers, Christmas Crackers, caps for toy guns containing not in excess of twenty-five one hundredths of a grain of explosive per cap.
7. “Municipality” shall mean the Rural Municipality of Blucher No. 343.

PART II – GENERAL REQUIREMENTS

8. No person under 18 years of age shall discharge any fireworks within the Municipality except under the direct supervision of a parent, guardian or other responsible adult.
9. No parent or guardian of a child under 18 years of age shall permit the child to discharge any fireworks, except when under the direct supervision of the parent or guardian.

PART III – FIRE BAN

10. A fire ban prohibiting open fire of any kind may be issued by the Reeve or Deputy Reeve and a majority of Council at any time and is subject to being ratified and a Resolution of Council. A fire ban shall be issued in writing (as described in Appendix A) and shall identify:
 - 10.1. The time and date that the fire ban commences;
 - 10.2. The land locations(s) the fire ban covers;
 - 10.3. The time and date the fire ban is lifted, or will be reviewed;
 - 10.4. Person or persons authorizing the fire ban;
 - 10.5. Authority allowing the fire ban;
 - 10.6. Other information that may be in the public interest.
11. Pursuant to Section 14 the municipal officials so authorized, in any tandem, to issue a fire ban are the Reeve or in their absence the Deputy Reeve and a majority of Council.
12. No person shall light, or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air during a fire ban. Covered barbeques and camp stoves are permitted.
13. No person shall discharge, or start or allow or cause to be discharged, ignited or started any fireworks of any kind whatsoever during a fire ban.
14. A Designated Officer may cause a fire to be extinguished forthwith during any period for which a fire ban is in effect within the Municipality.
15. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
16. The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service.
17. The Chief Administrative Officer shall as per Section 369 of *The Municipalities Act* add to the taxes of any property owned, occupied or inhabited by the person referred to in Section 18 of this Bylaw any amount which remains unpaid at the end of the calendar year or 120 days after the person has been invoiced for said services, whichever is earlier.
18. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to:
 - 18.1. In the case of a first offence, to a fine not less than \$500.00 and not more than \$10,000.00;
 - 18.2. In the case of a second offence to a fine not less than \$750.00 and not more than \$10,000.00
 - 18.3. In the case of a third or subsequent offence to a fine of not less than \$1,000.00 and not more than \$10,000.00, to imprisonment for not more than one year or to both.
19. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
20. Notwithstanding Section 18, a Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
21. The notice of violation shall require the person to pay to the Municipality:
 - 21.1. In a case of an individual, to a fine of \$300.00 for a first offence and \$450.00 for a second offence and \$1,000.00 for each subsequent offence.
22. The amount specified in Clause 21.1 may be paid:
 - 22.1. In person, during regular office hours, to the Municipality at the Municipal Office, 34 Struan Street, Bradwell, Sask., or
 - 22.2. By mail addressed to the Rural Municipality of Blucher No. 343, Box 100, Bradwell, Sask. S0K 0P0
23. If payment of the fine as provided in Clause 21.1 is made prior to the due date noted on the notice of violation, the person shall not be liable to prosecution for that offence.
24. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

LIMITATION OF PROSECUTION

- 25. Unless otherwise specifically stated, no prosecution for an offence pursuant to this Bylaw is to be commenced after two years from the date on which the offence is alleged to have been committed or, in the case of a continuing offence, the last date on which the offence was committed.
- 26. If any part, section, subsection, sentence, clause, phrase, or other portion of this Bylaw is for any reason held invalid, or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.
- 27. This Bylaw shall come into force on the final passing thereof.

Reeve

SEAL

Chief Administrative Officer

Certified a true copy of Bylaw ____-2021
adopted by resolution of the Council
on the _____ day of
_____, 2021.

Chief Administrative Officer

FIRE BAN

BYLAW NO. 3-2021
A Bylaw Respecting Fire Restriction

WHEREAS

1. In the opinion of the Rural Municipality of Blucher, No. 343, an extreme fire hazard condition exists within the Municipality.

THEREFORE, the Designated Officers of the Municipality, appointed pursuant to Section 3 of Bylaw 3-2021, do hereby order, pursuant to Section 12 of that Bylaw that:

- i. No person shall light, or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air;
- ii. No person shall discharge, or start or allow or cause to be discharged, ignited or started any fireworks of any kind whatsoever.
- iii. All burning permits, if any, issued for the burning of material within the Municipality are hereby suspended effect the date of this order;

This fire ban includes and does apply to all lands located within the Rural Municipality of Blucher No. 343.

This Order takes effect _____ and will continue to be in effect until further notification from the Municipality.

Dated at Bradwell, Saskatchewan this _____ day of _____, 20____.

Name and Position

Signature

Name and Position

Signature