

BYLAW NO. 2016-05

A BYLAW RESPECTING FIRE RESTRICTION

The Council of the Rural Municipality of Pense No. 160, in the Province of Saskatchewan enacts as follows:

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

Purpose:

- To provide for public safety in 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. In this bylaw:

- a) "Administrator" shall mean the administrator of the municipality, or in their absence their designate;
- b) "Bylaw Officer" means a person appointed by the municipality to oversee the Enforcement and Protective Services, or their designate;
- c) "Council" shall mean the council of the municipality;
- d) "Designated Officer" shall mean the Administrator, a Peace Officer, Bylaw Officer, Fire Chief and any person appointed to enforce this bylaws;
- e) "Discharge" includes to ignite, fire or set off and the words "discharging" and "discharged" have a similar meaning;
- f) "Enforcement and Protective Services" means the municipal department responsible for delivery of services and the RCMP within its jurisdictional area;
- g) "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;
- h) "Municipality" shall mean the Rural Municipality of Pense No. 160;
- i) "Peace Officer" means a peace officer as defined in *Act, 1990; The Summary Offence Procedures*;
- j) "Reeve" shall mean the person elected as Reeve of the municipality, or in their absence the Deputy Reeve.

Part II - General Requirements:

- 2. 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.
- 3. 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:

- 4. A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by any two officials of the municipality identified in #5. A fire ban shall be issued in writing and shall identify:
  - a) The time and date that the fire ban commences;
  - b) The land location(s) the fire ban covers;
  - c) The time and date the fire ban is lifted, or will be reviewed;
  - d) Person or persons authorizing the fire ban;
  - e) Authority allowing the fire ban;
  - f) Other information that may be in the public interest.

5. Pursuant to #4 the municipal officials so authorized, in any tandem, to issue a fire ban are the Administrator, Reeve, Bylaw Officer, Deputy Reeve or Fire Chief.
6. The municipality shall refund to the contractor any fees collected under this bylaw for estimated quantities of gravel not excavated from the premise and for which the license fee has been paid.
7. 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. Barbeques and camp stoves are permitted.
8. No person shall discharge, or start or allow or cause to discharges, ignited or started any fireworks of any kind whatsoever during a fire ban.
9. A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
10. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
11. 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.
12. The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service.
13. The Administrator 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 #12 of this bylaw any amount which remains unpaid at the end of the calendar year.
14. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to:
  - a) In the case of a first offence to a fine not less than \$500 and not more than \$10,000;
  - b) In the case of a second offence to a fine not less than \$750 and not more than \$10,000;
  - c) In the case of a third or subsequent offence to a fine of not less than \$1,000 and not more than \$10,000, to imprisonment for not more than one year or both.
15. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
16. Notwithstanding #14, a Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
17. The notice of violation shall require the person to pay the municipality:
  - a) In a case of an individual, to a fine of \$300 for a first offence and \$450 for a second offence and \$1,000 for each subsequent offence.
18. The amount specified in #17 may be paid:
  - a) In person, during regular office hours, to the municipality at the Municipal Office, 324 Elder St., Pense, SK OR
  - b) By mail addressed to the R.M. of Pense No. 160, Box 190, Pense, SK S0G 3W0.
19. If payment of the fine a provided in #17 is made prior to the due date noted on the notice of violation, the person shall not be liable to prosecution for that offence.
20. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.
21. 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.

22. 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.
23. This bylaw shall come into force on final passing thereof.



  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Administrator

Certified a true copy of  
Bylaw No. 2016-05 adopted  
by the Council of the  
Rural Municipality of  
Pense No. 160 on the 10<sup>th</sup>  
day of August, 2016.



