

RURAL MUNICIPALITY OF BROCK NO. 64

BYLAW NO. 2022-03

A BYLAW RESPECTING FIRE RESTRICTIONS

The Council of the Rural Municipality of Brock No. 64, in the Province of Saskatchewan, enacts as follows:

TITLE

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

PURPOSE

The purpose of this bylaw is 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. "Administrator" shall mean the administrator of the Municipality, or in their absence, their designate;
2. "Council" shall mean the council of the municipality;
3. "Designated Officer" shall mean the Reeve, Deputy Reeve, Councillor, Administrator, Peace Officer, and any person appointed to enforce this bylaw;
4. "Discharge" includes to ignite, fire, or set off; and the words "discharging" and "discharged" shall have a similar meaning;
5. "Enforcement and Protective Services" means the municipal department responsible for delivery of law enforcement services within its jurisdictional area;
6. "Fireworks" means an article defined as a firework pursuant to The Canada Explosives Act or Regulations thereto; shall also include Low Hazard Fireworks, High Hazard Fireworks, Manufactured Fireworks, and any 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, 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 Brock No. 64;
8. "Peace Officer" means a peace officer as defined in *The Summary Offence Procedures Act, 1990*;
9. "Reeve" shall mean the person elected as Reeve to the Municipality, or in their absence, the Deputy Reeve.
10. "Supervising Officer" means a person appointed by the Municipality to oversee the Enforcement and Protective Services Department, or their designate.

PART II – FIRE BANS

1. A fire ban prohibiting open fire may be issued by a resolution of Council or jointly by the Reeve and Administrator. 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.
2. 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.
3. 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.
4. A Designated officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the Municipality.
5. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
6. The cost of the fire prevention, suppression and emergency response services shall be charged directly on the person(s) who receive the service in accordance with Bylaw No. 4/2019, Fire Protection Agreement.
7. 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 receiving the fire protection services, any amount which remains unpaid at the end of the calendar year, or 21 days after the person has been invoiced for said services, whichever is earlier.
8. Any 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 \$500.00 (five hundred dollars), and not more than \$10,000.00 (ten thousand Dollars);
 - b. In the case of a second offence, to a fine not less than \$750.00 (seven hundred and fifty dollars), and not more than \$10,000.00 (ten thousand dollars);
 - c. In the case of a third or subsequent offence, to a fine of not less than \$1000.00 (one thousand dollars), and not more than \$10,000.00 (ten thousand dollars).
9. A new offence is deemed to have been committed not less than 2 (two) hours from any previous offence.
10. A Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
11. The amount specified in Section 8 may be paid:
 - a. In person, during regular office hours, to the Municipality at the Municipal Office located at 760 Railway Avenue, Kisbey, Sk;
 - b. Or by mail, addressed to the Rural Municipality of Brock No. 64;
 - c. Or by e-transfer to rm64@signaldirect.ca.
12. If Payment of the fine as provided in Clause 8 is made prior to 15 days from the date they received the notice of violation, the person shall not be liable to prosecution for that offence.

13. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

Limitation of Prosecution

14. 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.

15. If an part, section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a Curt 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.

Read a third time, adopted, and is now
In force this ____ day of _____, 2023.

Reeve – Larry Gordon

(Seal)

Administrator - Shawna-Lee Bertram