

Rural Municipality of \_\_\_\_ No. \_\_\_\_

Bylaw No. \_\_\_\_ of 20\_\_

### Fire Management Bylaw

#### A Bylaw to:

Provide for the issuance of Burning Permits within the municipality and conditions to be observed by permit holders;

Allow the municipality to impose penalties for failure to obtain permits;

Allow the municipality to Impose Fire Bans;

Allow the municipality to suspend existing valid Burning Permits;

Allow the municipality to suspend Burning Permit issuing services;

Allow the municipality to recover costs associated with the provision of protective services; and

Allow the municipality to issue Notices of Violation and Penalties related to violations of this Bylaw.

The Council of the Rural Municipality of \_\_\_\_ No. \_\_\_\_ In the Province of Saskatchewan hereby enacts as follows:

#### 1. **Definitions:**

In this Bylaw:

- (a) "Administrator" means the administrator of the municipality or, in his/her absence their designate;
- (b) "Council" means the Council of the municipality;
- (c) "Designated Officer" means the Administrator, a Peace Officer and any other person appointed by Council to enforce this Bylaw;
- (d) "Fire Ban Committee" means municipal officials including the Reeve, Deputy Reeve and Administrator, in any tandem;

- (e) "Fire Chief" means the \_\_\_\_\_ Fire Chief or his/her designate;
- (f) "Land Owner" means the registered owner of the land;
- (g) "Municipality" means the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_;
- (h) "Peace Officer" means a Peace Officer as defined in *The Summary Offence Procedures Act, 1990*;
- (i) "Permit" means a burning permit in the form (Schedule A) prescribed by the municipality; and
- U) "Permit Holder" means the person to whom the burning permit is issued.

## 2. **Functions:**

- (a) From April 1 to, and including, November 30 of any given year, no person shall burn any material within the boundaries of the Municipality without first obtaining a permit from the Municipality.
- (b) Every Permit Holder shall comply with all conditions outlined in the Permit.
- (c) A Land Owner shall be responsible, under this Bylaw, for any fire without a permit that originates on land for which they are an owner or registered owner.

## 3. **Permit:**

- (a) Permit applications shall be completed in the specified form (Appendix A).
- (b) Permits shall be issued free of charge to applicants at the municipality's administration office located \_\_\_\_\_ Saskatchewan.
- (c) Applicants shall be responsible for supplying all accurate information required to complete a permit, supplying the land owner's written permission notice where applicable and for complying with the terms outlined in the permit.

## 4. **Fire Bans and Permit Suspensions:**

- (a) The municipality may impose Fire Ban's in all or any part of the municipality, from time to time as deemed necessary for the protection of private party and general public safety.

- (b) The Council by resolution or the Fire Ban Committee by decision, are empowered to declare when a Fire Ban is in effect by providing notification to the public in the prescribed form. The Fire Ban notification will include:
  - i. The time and date the Fire Ban commences;
  - ii. The land locations the Fire Ban covers;
  - iii. Persons authorizing the Fire Ban;
  - iv. Authority, namely this Bylaw, to impose a Fire Ban.
- (c) When the Fire Ban Committee declares a Fire Ban to be in effect, such ban may only stay in effect for one (1) week. Any extension of such Fire Ban will require a decision or a resolution of Council.
- (d) The Council by Resolution or the Fire Ban Committee by Notification in the prescribed form, shall be empowered to declare when a Fire Ban ends.
- (e) Permits issued to Permit Holders prior to a Fire Ban will be suspended when a Fire Ban is in effect until the Fire Ban ends.
- (f) When a Fire Ban is in effect the onus is on permit holders to comply with the terms of the Fire Ban. This information will be identified on the permit.
- (g) The Municipality will communicate Fire Bans that are in effect and when they end by posting such notice at the municipality administration office, on its website [www.\\_\\_\\_\\_\\_](#), by issuing news releases to local radio stations and registering the ban with the Saskatchewan Public Safety Agency's Provincial Emergency Communications Centre.

#### **5. Suspension of Permit Services**

- (a) Council or the Fire Ban Committee shall be empowered to declare that no new permits will be issued by the Municipal office, to land owners within the Fire Ban area while a Fire Ban is in effect.

#### **6. Recovery of Protective Services Costs**

- (a) If a land owner or any other person burns without a permit and fire response services are required as a result of such fire, costs invoiced to the municipality by the Fire Chief, as a result of such a fire, including a "burning without a permit" call out fee and charges for consumables, extra equipment or firefighting

personnel, will be invoiced by the municipality to the land owner where the fire was started. In the event a fire is caused by vandalism on the owner's land, the costs for fire-fighting services to manage such a fire will not be invoiced to the land owner.

- (b) If a land owner or any other person burns with a permit and fire response services are required as result of such fire, costs, invoiced to the municipality by the Fire Chief as a result of such a fire, for consumables, extra equipment or firefighting personnel, will be invoiced by the municipality to the land owner where the fire was started.
- (c) No person shall burn when a fire ban is in effect. Permits issued prior to a fire ban will be suspended and deemed invalid until a fire ban put into effect ends. If a land owner or any person burns during a Fire Ban, all costs incurred by the municipality for fire emergency response services, that are deemed necessary by the Fire Chief, including the burning without a permit call out fee, shall be invoiced to the land owner where the fire was started.
- (d) Should invoices issued to land owners outlined in Sections 6.(a), (b) and (c) not be paid prior to the end of a calendar year in which they were sent, the Council of the municipality may authorize the Administrator, in accordance with the *Municipalities Act*, to add the amount of such invoices to the tax roll of the land owned by the person to whom the invoice was sent.

#### 7. Notice of Violation and Penalties:

- (a) No person shall:
  - (i) fail to comply with any order made pursuant to this Bylaw:
  - (ii) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
  - (iii) fail to comply with any provision of this Bylaw.
- (b) A Designated Officer who has reason to believe that a person has contravened any provision this bylaw may serve on that person a Notice of Violation (Schedule D), which indicates that the municipality will accept voluntary payment in the sum **Five Hundred (\$500.00)** to be paid to the municipality within **sixty (60) days**.
- (c) Where the municipality receives voluntary payment of the amount prescribed in Notice of Violation, within the time specified, the person in receipt of the Notice of Violation shall not be liable to prosecution for the alleged contravention.

- (d) Every person who contravenes any provision of Section 7(a) is guilty of an offence and liable on summary conviction:
- (i) in the case of an individual or a corporation, to a fine of not more than Ten Thousand dollars (\$10,000.00); and
  - (ii) in the case of a continuing offence, to a maximum daily fine of not more than Two Thousand Five Hundred (\$2,500.00) per day.

**8. Limitations of Prosecution**

If any part, subsection, sentence, clause, phrase or thither 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 decision of the court shall not affect the validity of the remaining portions of the Bylaw.

**9. Repeals**

Bylaw No \_\_\_ of 20\_\_\_ is hereby repealed.

**10. Readings:**

This Bylaw shall come into force on final passing thereof:

INTRODUCED AND READ A FIRST TIME THIS \_\_\_<sup>th</sup> DAY OF \_\_\_\_\_, 20\_\_.

READ A SECOND TIME THIS \_\_\_<sup>th</sup> DAY OF \_\_\_\_\_, 20\_\_.

READ A THIRD TIME THIS \_\_\_<sup>th</sup> DAY OF \_\_\_\_\_ .20\_\_.