

# BYLAW NO. 269 / 18

## RURAL MUNICIPALITY OF MOOSOMIN NO 121

### A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN

The council of the Rural Municipality of Moosomin No 121 , in the Province of Saskatchewan, enacts as follows:

**A BYLAW** of the RM of Moosomin No 121 to establish a process for implementing a Fire Advisory or Fire Ban within the Municipality.

**WHEREAS** Section 8(1)(b) of *The Municipalities Act* provides that Council may pass bylaws for the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** the RM of Moosomin No 121 pursuant to the powers granted to it under *The Municipalities Act*, wishes to provide for the banning of fires within the RM of Martin for the health, safety and welfare of the people and protection of the people and property from damage or destruction by fire on the terms hereinafter provided:

**NOW THEREFORE**, the RM of Moosomin No 121 enacts as follows:

1. This Bylaw may be cited as the “Fire Ban Bylaw”;
2. The preamble forms part of the Bylaw;
3. In this Bylaw:
  - 3.1 “Administrator” shall mean the Administrator of the RM of Moosomin No 121 ;
  - 3.2 “Council” shall mean the Council of the RM of Moosomin No 121 ;
  - 3.3 “Municipality” shall mean the RM of Moosomin No 121 ;
  - 3.4 “Reeve” shall mean the Reeve of the RM of Moosomin No 121 ;
  - 3.5 “Fire Chief” shall mean the head of a Volunteer Fire Department;
  - 3.6 “Fire Protection Committee” shall mean the Fire Protection Committee of the RM of Moosomin No 121 of which members will be appointed every second November following the general municipal election;
  - 3.7 “Violation Ticket” shall mean a ticket issued for an offense committed against any provision of this Bylaw.
4. Notwithstanding the provision in any other Bylaw the Fire Protection Committee may, upon receiving input from the Fire Chief of the Moosomin Volunteer Fire Department, and/or the Fire Chief of the Rocanville Volunteer Fire Department, declare a Fire Advisory or Fire Ban.
  - 4.1 **Fire Advisory** – Open burning in the Municipality is not recommended due to dry conditions. It is recommended Agriculture and Industrial operations have water tanks filled and at their disposal at all times. Ratepayers will be advised to use extreme caution when burning or using fireworks and have a plan to extinguish a fire to prevent wildfires.
  - 4.2 **Fire Bans** – 2 Types
    - (a) **Partial Ban** – No fires or fireworks. Use of CSA and UL approved appliances is permitted (Incinerators, Liquid Fuel Barbecues, Camp Stoves). Burning barrels with screens under constant supervision are permitted. Campfires in approved containers as per Schedule A are permitted.
    - (b) **Complete Ban** – No open burning, fireworks, burning barrels or fire pits/campfires. Use of CSA and UL approved appliances is permitted (Incinerators, Liquid Fuel Barbecues, Camp Stoves).

5. When determining whether to declare a Fire Advisory or Fire Ban within the RM of Moosomin No 121 , consideration shall be given to any or all of the following factors:
  - (a) Levels of recent precipitation;
  - (b) Future weather forecasts;
  - (c) Water shortages and/or restrictions;
  - (d) Availability of fire crews, equipment and apparatus;
  - (e) The overall fire danger including fire load and level of ground fuels;
  - (f) The amount of or increase in recent outside fires; and
  - (g) Recommendation of the Fire Chief(s)
  
6. Once a fire ban is implemented, if a fire is burning the Municipality may, subject to the availability of personnel and equipment, take any action that is necessary to control and extinguish the fire.
  - 6.1 The cost of the firefighting services, including fire prevention and fire suppression, provided by the nearest Fire Department, shall be assessed and levied in accordance with the Fire Departments rates;
  - 6.2 For the purpose of assessing and levying costs of firefighting services, the person who owns or occupies the land upon which a fire originated shall be deemed to be the person who receives the firefighting services to control and extinguish the fires;
  - 6.3 Any amount with respect to firefighting services provided to a person within the Rural Municipality pursuant to Section 6 hereof that remains unpaid at the end of the year in which the service was provided shall be added to and form part of the taxes on any land or improvement owned by that person.
  
7. Where the Fire Chief(s), the Administrator, member of Council or Bylaw Enforcement officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon such person a Bylaw Violation Notice as provided by this section.
  - 7.1 Service of such a Bylaw Violation Notice shall be sufficient if:
    - (a) Personally served;
    - (b) Mailing by registered mail; or
    - (c) Leaving same at the last known address of the person in the violation.
  - 7.2 Such notice shall be deemed to have been served:
    - (a) On the day of actual delivery, if the notice is served personally;
    - (b) 10 business days after mailing unless the delivery receipt is an earlier date of which that date would be deemed the date of service;
    - (c) The next business day after delivering to the last known address.
  - 7.3 A Bylaw Violation Notice shall be in such form as determined in Schedule C and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Clause 7.3(a) that will be accepted by the Municipality in lieu of prosecution.
    - (a) \$1,000 for the first offense;
    - (b) \$2,000 for a second offense occurring within 12 months of the first offense;
    - (c) \$3000 for a third offense occurring within 12 months of the second offense.
  - 7.4 Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in Clause 7.3(a) to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
  - 7.5 Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his or her right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
  
8. Any person who contravenes any provision of this bylaw is guilty of an offense and is liable on summary conviction to a fine of not more than:
  - 8.1 \$4,000 for the first offense;
  - 8.2 \$4,000 for a second offense occurring within 12 months of the first offense;

8.3 \$6,000 for a third offense occurring within 12 months of the second offense.  
9. Should any section or part of the Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section or part found to be improperly enacted has not been enacted as part of the Bylaw.

10. This Bylaw shall come into force and effect on the final day of passing thereof.

\_\_\_\_\_  
Gerald Flaman - Reeve

(SEAL)

\_\_\_\_\_  
Cheryl Barrett - Administrator

Read a third time and adopted

this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Administrator

**SCHEDULE A  
TO BYLAW 269/18  
A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN**

**Solid Fuel Barbecues and Recreational Campfires are permitted under certain provisions of the Fire Ban Bylaw, providing:**

1. Fires must be under constant supervision by an adult;
2. Enclosed fire pits or barbecues must be covered with a metal screen having openings no greater than ½" and must cover the entire opening. Logs or other fuel source must be fully contained within the enclosure. Embers and ash must be prevented from escaping the enclosure;
3. The fire pit/barbecue must be a distance of at least 20 inches from any grass and 10 feet from any combustible structure or item;
4. Be prepared and have a plan to extinguish a fire should it escape from the fire pit/barbecue;
5. Fires and embers must be extinguished completely when not under constant supervision;
6. Absolutely no burning in wind speeds above 10 km/hour.

**SCHEDULE B  
TO BYLAW 269/18  
A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN**

**IN ACCORDANCE** with Bylaw No 218-18 of the Rural Municipality of Moosomin No 121  
:

**Notice is hereby given that** effective 12 o'clock midnight, \_\_\_\_\_  
( Day / Month / Year )

and until further notice a \_\_\_\_\_ will be in effect for the entire  
(insert Fire Advisory or Fire Ban)

Rural Municipality of Moosomin No 121 . Anyone contravening this Fire Ban / Fire  
Advisory

shall be subject to a fine in accordance with Section 7 of Bylaw No 269/18.

**DATED** at \_\_\_\_\_, Saskatchewan this \_\_\_\_\_  
(Day / Month / Year)

**Fire Advisory** – Open burning in the Municipality is not recommended due to dry conditions. It is recommended Agriculture and Industrial operations have water tanks filled and at their disposal at all times. Ratepayers will be advised to use extreme caution when burning or using fireworks and have a plan to extinguish a fire to prevent wildfires.

**Fire Bans – 2 Types**

**Partial Ban** – No fires or fireworks. Use of CSA and UL approved appliances is permitted (Incinerators, Liquid Fuel Barbecues, Camp Stoves). Burning barrels with screens under constant supervision are permitted. Campfires in approved containers as per Schedule A are permitted.

**Complete Ban** – No open burning, fireworks, burning barrels or fire pits/campfires. Use of CSA and UL approved appliances is permitted (Incinerators, Liquid Fuel Barbecues, Camp Stoves).

**FIRE PROTECTION COMMITTEE:**

\_\_\_\_\_  
**Committee Member**

\_\_\_\_\_  
**Committee Member**

**SCHEDULE C  
TO BYLAW 269/18  
A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN**

**RM OF MOOSOMIN NO 121  
Bylaw Violation Notice**

<b>Name:</b>	
<b>Address:</b>	

This official notice is issued for alleged breach of the following bylaw:

<b>Bylaw No:</b>	
<b>Section #:</b>	
<b>Offence:</b>	
<b>Voluntary Payment:</b>	

Details of Alleged Breach of Violation:

- Date and time of violation
- Location of violation
- Other particulars – description of violation

Penalty:

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence and fine of a greater amount.

Payment may be made in person at the municipal office or by mail to: RM of Moosomin #121, Box 1109 Moosomin SK S0G 3N0.

If the voluntary payment indicated above is not received by \_\_\_\_\_, a summons requiring your appearance in provincial court will be issued.

Issued this \_\_\_\_\_ by \_\_\_\_\_  
(date) (Name of Designated Official)

\_\_\_\_\_  
Signature of Designated Official