

RURAL MUNICIPALITY OF WHEATLANDS NO. 163

BYLAW NO. 2021-01

A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN

The council of the Rural Municipality of Wheatlands No. 163, in the Province of Saskatchewan, enacts as follows:

A BYLAW of the RM of Wheatlands No. 163 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 Wheatlands No. 163 pursuant to the powers granted to it under *The Municipalities Act*, wishes to provide for the banning of fires within all or any part of the RM of Wheatlands No. 163 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 Wheatlands No. 163 enacts a 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 Wheatlands No. 163;
 - 3.2 "Council" shall mean the Council of the RM of Wheatlands No. 163
 - 3.3 Municipality" shall mean the RM of Wheatlands No. 163
 - 3.4 "Reeve" shall mean the Reeve of the RM of Wheatlands No. 163;
 - 3.5 "Fire Chief" shall mean the Fire Chief for the Caronport Fire Department;
 - 3.6 "Fire Protection Committee" shall mean the Fire Protection Committee of the RM of Wheatlands No. 163 of which members will be appointed every second November following general municipal election; and
 - 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 Caronport Fire Department, declare a Fire Advisory or Fire Ban to all or any part of the Municipality.
 - 4.1 Fire **Advisory means** – 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 and prevent wildfires.
 - 4.2 Fire **Bans – 2 types:**
 - (a) **Partial Ban means** – No fires or fireworks are permitted. Use of Canadian Standards Association (CSA) and Underwriter Laboratories (UL) approved appliances are 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 means** – No agricultural or commercial burning, open burning, fireworks, burning barrels or fire pits/campfires are permitted. Use of SCA and UL approved appliances are permitted (Incinerators, Liquid Fuel Barbecues, Camp Stoves).
 - 4.3 A fire ban shall be issued in writing and shall identify:
 - (a) The time and date that the fire ban commences;



- (b) The type of fire ban and the land location(s) or part of the Municipality of 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.

4.4 When a fire ban is declared, the Municipality may notify the public in any manner it deems appropriate, including registering it with the Saskatchewan Public Safety Agency's Provincial Emergency Communication Centre,

5. When determining whether to declare a Fire Advisory or Fire Ban within all or any part of the RM of Wheatlands No. 163, consideration shall be given to any or all of the following factors:

- (a) Levels of precipitation;
- (b) Future weather forecasts;
- (c) Water shortages and/or restriction;
- (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;
- (g) The wildfire hazard rating for the Rural Municipality (posted on Saskatchewan Public Safety Agency Website); and
- (h) 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; or
- (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-c) that will be accepted by the Municipality in lieu of prosecution.

- (a) \$1000 for the first offense;
- (b) \$2000 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-c) 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 \$4000 for the first offense;
- 8.2 \$4000 for a second offense occurring within 12 months of the first offense;
- 8.3 \$6000 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 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.



Reeve



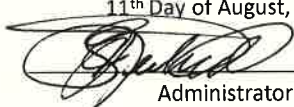


Administrator

Read a third time and adopted this 11th day of August, 2021



Administrator

<p>Certified a true copy of Bylaw No. 2021-01 adopted by resolution of Council of the Rural Municipality of Wheatlands No. 163 on this 11th Day of August, 2021</p> <p> Administrator</p>
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Schedule "A"

Rural Municipality of Wheatlands No. 163

Burning Permit

Permit No. _____

I. Permit Holder Information:

1. Name: _____
2. Date: _____
3. Time: _____
4. Owner of Land: YES NO (Circle one)
5. Contact information: Phone: _____
Email: _____
6. Land location: Quarter ___ Section ___ Township ___ Range ___
Lot ___ Block ___ (Where applicable)
7. The land location is within 4.5 kilometers of a Provincial Forest: YES NO (circle one)

II. Terms and Conditions of Permit:

1. Purpose:

A. One time (only needs to be obtained once) permit for

- (a) Barbecue/Fire Pit
- (b) Burning Barrel

B. Controlled Burn Permit (Maximum one week duration):

From the ___ Day of _____ and the ___ day of _____, 20__

(a) For the purpose of _____.

Should an extension be required you must contact the RM office at 306-355-2233 to make arrangements for the extension.

2. All permit holders are responsible for the following:

A. Adhering to the RM of Wheatlands No. 163 Fire Bans when they are in effect under the authority of the Fire Ban Bylaw No. 2021-01. All Permits are suspended and deemed invalid for the duration of a Fire Ban that has been imposed on the area where the burning is to take place.

B. Calling the Provincial Emergency Communication Centre Saskatchewan Call Centre at 1-866-404-4900 to register the burn prior to starting to burn.

C. Understanding their responsibilities of the Wildfire Act including:

- (i) Ensuring that weather conditions are appropriate to allow for the fire to burn safely and under control from start to finish (Examples: It is risky to start a fire where wind speeds are at or beyond twenty (20) kilometers per hour or where relative humidity is less than 25%);
- (ii) Take all necessary precautions, including establishing fire guards where all burnable material must be removed, to ensure the fire is contained in the burn area and is kept to a controllable size to prevent escape;
- (iii) Ensure that equipment to control the fire is on site and readily accessible during the burning period;
- (iv) Contacting private owners or occupiers of adjacent land before starting the fire;



(v) Not causing a public nuisance by exposing residents of the area to excessive amounts of smoke and odor create a hazard by impairing visibility on public roadways or railway crossings;

(vi) Ensuring that the fire is monitored, supervised and under control at all times; and

(vii) Ensuring the fire is fully extinguished, meaning no flame smoke or heat present.

D. Burning in accordance with Canada's Clean Air Act, and associated regulations.

3. The issuance of this Permit does not discharge the Permit Holder from responsibility for damage caused by the fire. If a fire spreads or is likely to spread and costs are incurred by the municipality or any person in controlling or extinguishing the fire, the Permit Holder will be liable for such costs and on summary conviction to the penalties provided in the Fire Management Bylaw No. 2010-01.

III. **Permit Holder Endorsement**

I have read, understand and agree to abide by the terms and conditions of this permit.

Print Name

Signature



Schedule "C" to Bylaw No. 2021-01

BYLAW VIOLATION NOTICE⁷

Reference No. _____

RURAL MUNICIPALITY OF WHEATLANDS NO. 163

BYLAW VIOLATION NOTICE

Name	
Address	

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

Bylaw No. _____	
Section #:	
Offence:	
Voluntary Payment:	

DETAILS OF ALLEGED BREACH OF VIOLATION:

- Date and time of violation
- Location of violation
- Other particulars – description of vehicle, animal, etc

PENALTY:

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

Payment may be made in person at the municipal office or by mail [Municipality's name and mailing address].

If the voluntary payment indicated above is not received by [specified date], a summons requiring your appearance in provincial court will be issued.

Issued this [date] by [name of Designated Officer]

Signature of Designated Official

