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BYLAW NO 37.2016

A BYLAW RESPECTING FIRE RESTRICTION WITHIN THE BOUNDARIES OF THE RURAL MUNICIPALITY OF BENGOUGH NO. 40

The Council of the Rural Municipality of Bengough No. 40, in the Province of Saskatchewan enacts as follows:

TITLE

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. "Administrator" shall mean the administrator of the Rural Municipality of Bengough No. 40, or in their absence their designate;

2. "Council" shall mean the council of the Rural Municipality of Bengough No. 40;

3. "Designated Officer" shall mean the any member of Council, the Administrator, Fire Official, a 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. "Fire Ranger" shall have the meaning ascribed to it by the *Prairie and forest Fires Act,1982;*

6. "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.

7. "Municipality" shall mean the Rural Municipality of Bengough No. 40;

8. "Reeve" shall mean the person elected as Reeve to the Rural Municipality of Bengough No. 40, or in their absence the Deputy Reeve.

9. "Tandem" shall mean two.

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PART II – GENERAL REQUIREMENTS

1. 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.

2. 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

1. A fire ban prohibiting open fire of any kind in the Municipality may be issued by an official of the Municipality identified in Part 3 Section 2. 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. Other information that may be in the public interest.

1a) A notice issued pursuant to Part 3 Section 1 shall be posted in the Municipal Office and in at least one other public place within the Town of Bengough. At Councils discretion ratepayers may also be notified by way of general mailing.

2. Pursuant to Part 3 Section 1 the municipal officials so authorized, in any tandem, to issue a fire ban are the Reeve and one other Rural Municipality of Bengough No. 40 Division Councillor.

3. 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. Burning of enclosed incinerators shall be allowed during a fire ban.

4. 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.

5. A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the municipality.

6. No person shall fail to immediately comply with an order to extinguish fire by a Designated Officer.

7. 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.

8. The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service.

9. 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 Part 3 Section 7 of this bylaw 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.

10. Every person who contravenes any provision of this any bylaw is guilty of an offence and liable on summary conviction to the General Penalty Bylaw of the Municipality.

11. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.

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

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PART IV – LIMITATION OF PROSECUTION

1. 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.

2. 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.

3. This bylaw shall come into force on final passing thereof.

RURAL MUNICIPALITY OF BENGOUGH No. 40 INCORPORATED Seal 1913

Reeve.

Administrator.

Certified a true copy of
Bylaw No. 37.2016 adopted by
Resolution of Council on
The 9 day of JUNE, 2016.

REEVE

ADMINISTRATOR

RURAL MUNICIPALITY OF BENGOUGH No. 40 INCORPORATED Seal 1913