

RURAL MUNICIPALITY OF LOREBURN NO. 254

BYLAW NO 07-2023

A BYLAW RESPECTING FIRE RESTRICTIONS

The Council of the Rural Municipality of Loreburn No. 254 in the Province of Saskatchewan, enacts as follows:

TITLE

This bylaw shall be referred to as the “*Fire Burn 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;

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 Administrator, Bylaw Enforcement Officer and any person appointed by Council to enforce this bylaw;
4. “Discharge” includes to ignite, fire, or set off and the words “discharging” and “discharged” have a similar meaning;
5. “Fire Ban” shall mean no burning of any kind. No agriculture, commercial, open burning, fireworks, burning barrels, fire pits, fire rings, chimineas and the like, and campfires. Use of incinerators and CSA approved portable gas fire pits, barbeques, pressurized stoves and charcoal briquettes are permitted at this time
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. “Fire Chief” means the person appointed by the Village of Loreburn Council or Village of Elbow Council;
8. “Municipality” shall mean the Rural Municipality of Loreburn No. 254;
9. “Reeve” shall mean the person elected as Reeve to the municipality, or in their absence the Deputy Reeve.

GENERAL REQUIREMENTS

10. 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.
11. 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.
12. In the Lakeshore and Resort Residential Districts of the Municipality the discharge of any fireworks is prohibited at all times.

FIRE BAN

13. 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 property and general public safety.
14. When determining whether to declare a fire ban within all or any part of the Municipality, 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. Consultation with Provincial Parks and urban municipalities within the municipality;
15. A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by the three officials of the Municipality identified in Section 16. 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. Person or persons authorizing the fire ban;
 - d. Authority allowing the fire ban;
 - e. Other information that may be in the public interest.
16. Pursuant to Section 15, the municipal officials so authorized to issue a fire ban are the Reeve, Deputy Reeve AND the Administrator.
17. The Council by resolution or jointly by the three officials of the Municipality identified in Section 16, shall be empowered to declare when a fire ban ends.
18. The Municipality will communicate Fire Bans that are in effect and when they end by posting such notice at the Municipality administration office, on the municipal website and any other manner it deems appropriate, including registering it with the Saskatchewan Public Safety Agency's Provincial Emergency Communication Center.
19. 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.
20. 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.
21. A Designated Officer or Fire Chief may order any fire to be extinguished forthwith during any period for which a fire ban is in effect within the Municipality.
22. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer or the Fire Chief.
23. The cost of firefighting services, including fire prevention, suppression and emergency response services shall be charged directly to who owns or occupies the land where the fire started and received the service; and shall be assessed and levied in accordance with the fire agreement bylaws the Municipality has in place.

24. 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 Section 23 of this bylaw by direction of Council, any amount which remains unpaid at the end of the calendar year or 30 days after the person has been invoiced for said services, whichever is earlier.

NOTICE OF VIOLATION AND PENALITES

25. No person shall:

- a. Fail to comply with any order made pursuant to this Bylaw;
- b. Obstruct or interfere with any Designate Officer, Council or Fire Chief or any other person acting under the authority of this Bylaw or;
- c. Fail to comply with any provisions of this Bylaw.

26. A Designated Officer or Fire Chief may issue a Notice of Violation to any person they believe to be in contravention of any provisions of this Bylaw, he or she may serve upon such a person a Notice of Violation as provided by this section.

27. Service of such a Notice of Violation shall be sufficient if:

- a. Personally served;
- b. Mailing by registered mail; or
- c. Leaving same at the last known address of the person of the violation.

28. 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 day would be deemed the date of service; or
- c. The next business day after delivering to the last known address.

29. The Notice of Violation shall state the section of the Bylaw, which was contravened, and the amount, which is provide in Section 29 (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 6 months of the first offense;
- c. \$3000 for a third offense occurring within 6 months of the second offense.

30. The amount specified in Section 29 may be paid.

- a. In person, during regular office hours, to the Municipality at the Municipal Office, 562 Main Street, Loreburn, Saskatchewan.
OR
- b. By mail addressed to the Rural Municipality of Loreburn No. 254, Box 40, Loreburn, Saskatchewan, S0H 2S0.

31. If payment of the fine as provided in clause 29 is made prior to 30 days from the date they received the Notice of Violation, the person shall not be liable to prosecution for that offence.

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

33. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to:

- a. \$4,000 for the first offense;
- b. \$6,000 for a second offense occurring within 6 months of the first offense;
- c. \$10,000 for a third offence occurring within 6 months of the second offense.

LIMITATION OF PROSECUTION

34. 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.

35. 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.

36. This bylaw shall come into force on final day of passing thereof.

REPEALS

37. Bylaw 02-2017 Firework Bylaw in Resort Residential Zone is hereby repealed,

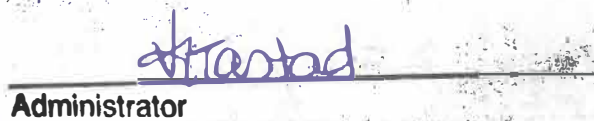



Reeve


Administrator

"Certified to be a true copy of Bylaw No. 07/23 adopted by
the council of the Rural Municipality of Loreburn No. 254
on the 9th day of August, 2023."




Administrator

RURAL MUNICIPALITY OF LOREBURN NO.254

BYLAW NOTICE OF VIOLATION BYLAW 07-2023

NAME: _____

ADDRESS: _____

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

Bylaw No. 07-2023

Section #: _____

Offence:

Voluntary Payment: _____

DETAILS OF ALLEGED BREACH OF VIOLATION

Date and time of violation: _____

Location 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 offense.

Payment may be made in person at the municipal office or by mail:

**RM of Loreburn No. 254
562 Main Street
Box 135 Loreburn, SK S0H 2S0**

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

Issued this _____ day of _____, 20__

By: _____

Signature of Officer