

BYLAW NO 9-2019

A BYLAW RESPECTING FIRE RESTRICTION

The Council of the District of Lakeland No. 521, in the Province of Saskatchewan enacts as follows:

TITLE

This bylaw shall be referred to as the “*Fire Restriction Bylaw*”.

PURPOSE

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;
To provide for public safety.

PART I – 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, 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” have a similar meaning;
5. “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.
6. “Lakeland District Protective Services” means the municipal department responsible for delivery of services law enforcement within its jurisdictional area.

7. "Municipality" shall mean the District of Lakeland No. 521;
8. "Peace Officer" means a peace officer as defined in *The Summary Offences Procedures Act, 1990*;
9. "Reeve" shall mean the person elected as Reeve to the municipality, or in their absence the Deputy Reeve.
10. "Supervising Officer" means a person appointed by the Municipality to oversee the Lakeland District Protective Services Department, or their designate;

PART II – GENERAL REQUIREMENTS

11. 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.
12. 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.
13. The civic address, as assigned from the Municipality, of any property, building or structure shall be prominently displayed at the property, building or structure as the case may be, so that the civic address is clearly visible from any highway or approach at, to, or near the property, building or structure.
14. No person shall leave a fire unattended.
15. For the purposes of determining if a fire is left unattended a Court of competent jurisdiction shall accept as evidence that a fire was left unattended if;
 - a. a peace office or fire department has been dispatched to a fire as a result of a call from the public, where the public advised that a fire is burning and is unattended.
 - b. a person is able to provide information that they have observed the fire burning and that no persons are present or near to the fire.
 - c. there is no reasonable evidence to the contrary that the fire was in fact unattended.

PART III - FIRE BAN

16. A fire ban prohibiting open flame, fire or burning of any kind may be issued by a resolution of Council or jointly by any two officials of the Municipality identified in 18.
17. 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. Authority allowing the fire ban;
 - f. Other information that may be in the public interest.
18. Pursuant to section 16 the municipal officials so authorized, in any tandem, to issue a fire ban are the Administrator, Reeve, Supervising Officer.
19. No person shall light, or start, or allow or cause to be lighted, ignited or started a flame, fire or burning 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 may direct or order any flame, fire or burning to be extinguished forthwith provided that the Designated Officer has reasonable grounds to believe that the continued flame, fire or burning may constitute a hazard.
22. No person shall fail to comply with the lawful direction of a Designated Officer.
23. A Designated Officer may cause any flame, fire or burning to be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
24. The cost of any response to any property where there is a report of any flame, fire or burning during a fire ban shall be the responsibility of the person responsible for the ignition of the flame, fire or burning. If the person or party responsible cannot be readily found or identified any such costs shall be the responsibility of the property occupant or owner.
25. The Administrator shall add to the taxes of the property owned, occupied or inhabited by the person or persons referred to in Section 24 of this bylaw any amount which remains unpaid 30 days after the person has been invoiced for the costs associated with any response to reports of a flame, fire or burning during a fire ban.

26. Every person who contravenes any provision of this any bylaw is guilty of an offence and liable on summary conviction to:
- a. in the case of a first offence, to a fine not less than \$500 and not more than \$10,000;
 - b. in the case of a second offence to a fine not less than \$750 and not more than \$10,000;
 - c. in the case of a third or subsequent offence to a fine of not less than \$1000 and not more than \$10,000, to imprisonment for not more than one year, or to both.
27. A new offence is deemed to have been committed two (2) hours, or more, from any previous offence.

Limitation of Prosecution

28. 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.
29. 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.
30. Bylaw 7 – 2012 is hereby repealed.
31. This bylaw shall come into force on final passing thereof.

Cheryl Bauer-Hyde

Reeve

Tammy Knuttila

Administrator

***Read a third time and adopted
the 15th day of July, 2019.***