

RURAL MUNICIPALITY OF PONASS LAKE NO. 367

BYLAW NO. 3/18

M-11 (a)

A BYLAW RESPECTING FIRE RESTRICTIONS WITHIN THE RURAL MUNICIPALITY OF PONASS LAKE NO. 367

The Council of the Rural of Municipality of Ponass Lake No. 367, in the Province of Saskatchewan enacts as follows:

This bylaw shall be referred to as the “Fire Restriction Bylaw” and shall be enacted to:

- Provide for public safety in times of extreme fire hazard conditions;
- Restrict or eliminate the use of fire within the municipality in areas of fire danger;
- Attempt to minimize the risk of accidental fire; and
- Regulate open fires, fireworks and burning of any kind.

1. In this bylaw:

- a. “Administrator” shall mean the administrator of the municipality or in their absence their designate.
- b. “Burning barrel fire” shall mean a fire confined to a non-combustible structure or container, including incinerators, which is lit for the purpose of burning refuse.
- c. “Controlled burn” shall mean a fire that is lit for the purpose of burning organic material including, without limitation, trees or stubble but does not include a Burning Barrel Fire, a Recreational Fire or a Smudge Fire
- d. “Council” shall mean the elected Council of the Municipality.
- e. “Fire Ban” shall mean an order issued under The Wildfire Act, or an order issued pursuant to this Bylaw, prohibiting the lighting of, and requiring the extinguishment of all outdoor fires within the Municipality.
- f. “Fireworks” shall mean manufactured goods intended to be used for pyrotechnic effect that are classified by The Canada Explosives Act or any Regulations thereto, as low or high hazard fireworks for recreation.
- g. “Municipality” shall mean the Rural Municipality of Ponass Lake No. 367.
- h. “Outdoor fire” shall mean any fire in the Municipality started or caused by any person in the open air, including without limitation a controlled burn, a burning barrel fire, a recreational fire, a smudge fire but does not include CSA-approved self-contained heating devices or pressurized stoves.
- i. “Recreational fire” shall mean a fire confined within a non-combustible structure or container which is lit for the purposes of cooking, obtaining warmth, or viewing for pleasure, and is fueled solely by dry wood, charcoal, natural gas, or propane.
- j. “Smudge fire” shall mean a fire which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost.

2. The Municipality may, by resolution, at their discretion, ban all outdoor fires in the municipality if conditions exist where, in the opinion of the Municipality, fires are of extremely high risk, and such a ban would prevent wildfires from occurring.
3. A Fire Ban imposed pursuant to Section 2 of this Bylaw, shall remain in force until either the date provided in the notice of the Fire Ban or until such time as the Administrator, at the direction of Council, provides notice to the public that the Fire Ban is no longer in effect.
4. Notice of a Fire Ban shall be provided to the public in the form of signs posted throughout the Municipality, in locations to be determined by the Municipality, through a public service message on the local radio stations, or by any other means which the Administrator determines is appropriate for the purpose of informing the public of the Fire Ban.
5. When a Fire Ban is in place, no person shall ignite any outdoor fire and shall immediately extinguish any such fire lit once the person knows or ought reasonably to know of the Fire Ban.
6. 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.
7. No person shall contravene any provision of this Bylaw.

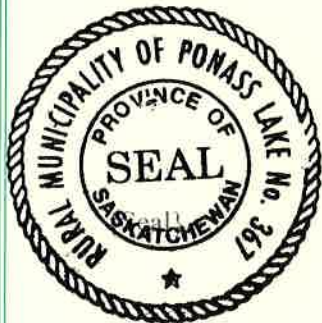



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8. Any person who contravenes any provision of this Bylaw, fails to comply with any order or request directed to that person pursuant to this Bylaw is guilty of an offence and is liable, upon summary conviction, to the specified penalty for the offence set out in Schedule "A", attached to and forming part of this Bylaw.
9. Any member of Council is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to this Bylaw to any person who they have reasonable and probable grounds to believe has contravened any provision of this Bylaw.
10. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - a. specify the fine amount established by this Bylaw for the offence; or
 - b. require a person to appear in court without the alternative of making a voluntary payment.
11. A violator of any of the subsections of this Bylaw, upon being served with a Notice of Violation, may during regular office hours, voluntarily pay the penalty at the municipal office of the R.M. of Ponass Lake No. 367, located at 130 Centre Street, Box 98, Rose Valley, SK S0E 1M0, within 14 days from the date of service of the notice, and upon payment as so provided, that person shall not be liable to prosecution of the offence.
 - a. The Notice of Violation shall be Form "2", attached to and forming part of this Bylaw.
12. Where a person is in contravention of the Bylaw, in addition to imposing a fine, the municipality is entitled to be reimbursed by the person(s) for costs incurred by the municipality in fire protection and suppression operations that were undertaken as a result of person(s) acts or omissions that resulted in the costs being incurred.
13. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.
14. This Bylaw shall come into force and take effect on the date of the final passing thereof.





Reeve



Administrator

Certified a true copy of Bylaw No. 3/18
Adopted by resolution of Council at the
May 9, 2018 regular meeting of Council.



Reeve



Administrator



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SCHEDULE “A” - SPECIFIED PENALTIES

OFFENCE SPECIFIC PENALTY

Contravention of any provision of this Bylaw	\$300.00
Second or subsequent offence within One (1) Year	\$500.00

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Form 2

NOTICE OF VIOLATION

NAME:

ADDRESS:

On the ____ day of _____, 20____, at/near _____

_____, Saskatchewan, at _____ a.m./p.m.

Did unlawfully commit the following offence:
("x" indicates offence charged)

Bylaw No. _____

Bylaw No. _____

DESCRIPTION OF OFFENCE:

LOCATION OF OFFENCE:

You are charged with violation of: Bylaw No. _____, Section(s) _____

Penalty for the above violation:

\$ _____ may be paid voluntarily

\$ _____ may not be paid voluntarily

Designated Officer: _____

NOTICE RESPECTING VOLUNTARY PAYMENT WITHOUT COURT
APPEARANCE

Where a penalty for violation exists, you may make voluntary payment of the penalty at the municipal office of the: RM of Ponass Lake No. 367, 130 Centre Street, Box 98, Rose Valley, SK S0E 1M0, during regular office hours or by mail within 14 days from the date of service of this Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution.

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