

**RURAL MUNICIPALITY OF WAWKEN NO. 93
BYLAW NO. 1/2018**

**A BYLAW OF THE RURAL MUNICIPALITY OF WAWKEN NO. 93
TO ENACT A FIRE ADVISORY OR FIRE BAN**

A BYLAW of the R.M. of Wawken No. 93 in the Province of Saskatchewan, to establish a process for implementing a Fire Advisory or Fire Ban in 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 R.M. of Wawken No. 93 pursuant to the power granted to it under *The Municipalities Act*, wishes to provide for the banning of fires within the R.M. of Wawken No. 93 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 Council of the R.M. of Wawken No. 93 in the Province of Saskatchewan enacts as follows:

1. This Bylaw may be cited as the "*Fire Ban Bylaw*"
2. The preamble forms a part of the Bylaw.
3. In this bylaw:
 - a) "Administrator" shall mean the administrator of the R.M. of Wawken No. 93;
 - b) "Council" shall mean the council of the R.M. of Wawken No. 93;
 - c) "Rural Municipality" shall mean the R.M. of Wawken No. 93;
 - d) "Reeve" shall mean the Reeve of the R.M. of Wawken No. 93
 - e) "Fire Protection Committee" shall mean the Fire Protection Committee of the R.M. of Wawken No. 93 which will consist of the Reeve and two other Council members appointed each November;
 - f) "Fire Chief" shall mean the Fire Chief from either the Kennedy or Wawota Volunteer Fire department; and
 - g) "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(s), declare a Fire Advisory or Fire Ban per Schedule B:
 - 4.1 **Fire Advisory** – 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 to have a plan to extinguish a fire to prevent wildfires.
 - 4.2 **Fire Bans** – Two Types
 - (a) **Partial Ban** – No open burning or fireworks. Use of CSA and UL approved appliances is permitted (Incinerators, Liquid Fuel Barbecues, and Camp Stoves). Burning barrels with screens under constant supervision are permitted. Campfires in approved containers as per Schedule A are permitted.
 - (b) **Complete Ban** – No open burning, fireworks, burning barrels or campfires are permitted. Use of CSA and UL approved appliances is permitted (Incinerators, Liquid Fuel Barbecues, and Camp Stoves).
5. When determining whether to declare a Fire Advisory or Fire Ban within the R.M. of Wawken No. 93, consideration shall be given to any or all of the following factors:
 - a) Levels of recent precipitation;
 - b) Future weather forecasts;
 - c) Water shortages or restrictions;
 - 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; and
 - g) Recommendation of the Fire Chief(s)
6. Once a fire ban is implemented, if a fire is burning the Rural Municipality may, subject to the availability of personnel and equipment, take any action that is necessary to control and extinguish the fire.
 - a) 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;

- b) 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;
 - c) 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 or member of Council 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;
 - (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) that will be accepted by the Municipality in lieu of prosecution.
 - (a) \$1,000 for the first offense;
 - (b) \$2,000 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) 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 \$2000 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 be improperly enacted has not been enacted as part of the Bylaw.
10. This bylaw shall come into force and take effect immediately.

Rural Municipality of Wawken No. 93



Dawn G...
Reeve

Linda Klimm
Administrator
Section 8(1)(b) of *The Municipalities Act*

Read a Third time and Adopted
This 10th day of May 2018.

Linda Klimm
Administrator

Certified a True Copy of the original bylaw passed
by resolution of Council on the 10th day of May 2018.

Linda Klimm
Administrator

