R.M. of Moose Mountain No. 63

BYLAW NO. 4-2018

A Bylaw To Provide for the Purpose of Establishing Process for Fire Banning in the R.M. of Moose Mountain No. 63

BEING a bylaw of the R.M. of Moose Mountain No. 63 in the Province of Saskatchewan, to establish a process for banning fires in the Municipality.

WHEREAS Section 8 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;

NOW THEREFORE, the Council of the R.M. of Moose Mountain No. 63 enacts as follows:

1. Title: This Bylaw be cited as the "Fire Ban Bylaw"

2. Purpose:

   To provide for public safety in times of extreme fire hazard;
   To restrict or eliminate the use of fire within the municipality in areas of fire danger;

3. The preamble forms part of this Bylaw.

4. In this Bylaw:

   a. "Administrator" shall mean the Administrator of the R.M. of Moose Mountain No. 63,
   b. "Council" shall mean the Council of the R.M. of Moose Mountain No. 63,
   c. "Municipality" shall mean the R.M. of Moose Mountain No. 63
   d. "Fire Chief" shall mean the Fire Chief of the Carlyle and RM #63 Fire Department
   e. "Violation Ticket" shall mean a ticket for an offense committed against any provision of this Bylaw.
   f. "Designated Officer" shall mean any member of Council, the Administrator, Fire Official, a Peace Officer, and any person appointed to enforce this law.

5. Notwithstanding the provision in any other Bylaw the Fire Chief or Council may declare a Fire Ban on burning of any kind within the Municipality. In the absence of the Fire Chief, the Administrator, acting on the recommendation of the Council (collectively), may also declare a Fire Ban within the Municipality.

6. Only one type of fire ban may be implemented:
   a. A Complete Ban – No open flame fires, including fireworks, Chinese lanterns and any solid fuels. Natural gas or propane fire pits, patio heaters and barbecues will be permitted.

7. When determining whether to declare a Fire Ban within the Municipality, consideration shall be given to any of the following factors:
    a. Levels of recent precipitation;
    b. Future weather forecasts;
    c. Water shortages and 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;
    g. Review of the provincial fire danger map provided by the Government of Saskatchewan, Environment, Public Health and Safety Department; and
    h. Recommendation of the Fire Chief responsible for the Municipality.

8. The Municipality authorizes the Fire Chief to remove any Fire Ban when conditions warrant.

9. When a Fire Ban is in effect, any person who contravenes the Fire Ban may be subject to the fines established within this Bylaw.

10. Any person who fails to comply with any Fire Ban is guilty of an offense and is liable to a fine of $250.00 on summary conviction for the first offense; to a fine of $500.00 on summary conviction for the second offense occurring within 12 months of the first offense; to a fine of $1,000.00 on summary conviction for the third offense occurring within 12 months of the second offense.

11. Where a Fire Chief, the Administrator, or a member of Council has reasonable grounds to believe that a person has committed a breach of any of the provisions of this Bylaw, he or she may be issued a Violation Ticket by a Designated Officer.
    a. Service of such a Violation Ticket shall be sufficient if:
        i. Personally served; or
        ii. Left for the person at his/her last or most usual place of residence with a person who appears to be at least 16 years of age or older; or
        iii. By way of registered mail.

12. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, than such section or part shall be regarded as severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be an effective and enforceable as if the section or part found to be improperly enacted had not been enacted as part of this Bylaw.

13. This bylaw shall come into force and take effect on the date of the final reading thereof.

SEAL

RURAL MUNICIPALITY OF MOOSE MOUNTAIN NUMBER 63 INCORPORATED 1912 SASKATCHEWAN

[redacted]

Reeve/Deputy Reeve

[redacted]

Administrator