

# *Rural Municipality of Val Marie No. 17*

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## A Bylaw to Provide For The Issuance Of A Fire Ban

Bylaw No. 4-21

Office Consolidation

May 11, 2021

For Reference Purposes Only –  
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This Bylaw was passed on May 11, 2021 and has not been amended since.

## BYLAW 4-21

### A BYLAW TO PROVIDE FOR THE ISSUANCE OF A FIRE BAN

The Council of the R.M. of Val Marie No. 17, in the Province of Saskatchewan enacts as follows:

1. Name of Bylaw:

This Bylaw shall be referred to as “The Fire Ban Bylaw”.

2. Definitions:

- a. “Administrator” shall mean the Administrator of the R.M. of Val Marie No. 17.
- b. “Council” shall mean the Council of the R.M. of Val Marie No. 17.
- c. “Designated Officer” means the Administrator, a peace officer and any other person appointed by Council to enforce this Bylaw.
- d. “Municipality” shall mean the R.M. of Val Marie No. 17.
- e. “Fire Protection Committee” shall mean a committee comprised of all Council members and the Administrator.

3. Issuance of a Fire Ban:

- a. A fire ban may be implemented and removed by either:
  - i. A resolution of Council; or
  - ii. A decision of The Fire Protection Committee
- b. When determining whether a Fire Ban is implemented or removed within the municipality, consideration shall be given to the following factors:
  - i. Levels of recent precipitation;
  - ii. Future weather forecasts;
  - iii. Water shortages and/or restrictions;
  - iv. Availability of fire crews, equipment, or other apparatus related concerns;
  - v. The overall fire danger including fire load and level of ground fuels; and
  - vi. The amount of or increase in recent outside fires in the region.
- c. The following fire bans may be implemented:
  - i. Level 1 (Schedule A):
    1. No open burning;
    2. No fireworks;
    3. No burning in incinerators, burning barrels, or other enclosed burning devices;
    4. No recreational campfires; and
    5. No solid fuel barbeques or stoves
    6. Exemptions to a Level 1 Fire Ban are:
      - a. Liquid fuel barbeques (propane or natural gas) in an occupied residential yardsite.
  - ii. Level 2 (Schedule B):
    1. No open burning; and
    2. No fireworks.
    3. Exemptions to Level 2 Fire Ban are:
      - a. Incinerators, burning barrels with screens, solid or liquid fuel barbecues or stoves, recreational campfires where the following precautionary measures are implemented and/or observed:
        - i. The fire or device is under constant supervision by a person over 18 years of age;
        - ii. Fires and embers are extinguished completely when not under constant supervision;
        - iii. Wind speeds are less than 10km/hr, and are forecasted to be less than 10 km/hr for at least 24 hours from the time the fire was started; and
        - iv. It is located in an occupied residential yardsite with pumped running water at the location of the fire or device; and there is a plan or means of extinguishing the fire should it escape.

- d. Notice of the Fire Ban shall be provided to the public in the following manner:
    - i. "FIRE BAN IN EFFECT" signs shall be posted at all entrances to the municipality; and
    - ii. Additional notice may be advertised through public service messages on radio stations, on the Municipality's website or social media pages, or any other means determined appropriate by the Administrator.
  - e. Once a fire ban is implemented, if a fire is burning within the Municipality, the Municipality may charge a person who owns or occupies the land upon which the fire originated for the costs and expenses incurred by the Municipality in controlling and extinguishing the fire.
    - i. The cost of the controlling and extinguishing such fire, including fire prevention and fire suppression, shall be assessed and levied at a rate of \$1000 per hour.
    - ii. Any amount with respect to firefighting services provided to a person within the Municipality 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.
- 4. Offences and Voluntary Payment:
  - a. Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.
  - b. Such notice shall be deemed to have been served:
    - i. On the expiration of twenty-four hours after it is posted, if the notice is mailed;
    - ii. On the day of actual delivery, if the notice is served personally; or
    - iii. On the business day following the transmission if given by facsimile.
  - c. A Bylaw Violation Notice shall be in such a 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 4. c. (1), (2), or (3) that will be accepted by the Municipality in lieu of prosecution.
    - 1. \$1,000 for the first offence;
    - 2. \$2,000 for the second offence occurring within 12 months of the first offence; and
    - 3. \$3,000 for the third offence occurring within 12 months of the second offence.
  - d. Upon production of a Bylaw Violation Notice issued pursuant to this section within twenty (20) days from the issue thereof, together with the payment of the fee as provided in Clause 4. C. to the Administrator, 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.
  - e. 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 committing a contravention of any of the provisions of this Bylaw.
- 5. Offences and Penalties:
  - a. 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:
    - 1. \$5,000 for the first offence; and
    - 2. \$10,000 for each subsequent offence occurring within 12 months of the first offence;
- 6. Severability
  - a. 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.
- 7. Bylaw 3-17 is hereby repealed.

8. This bylaw comes into force on the day of its passing.