



RURAL MUNICIPALITY OF ROSTHERN NO. 403

BYLAW 1.2019

A BYLAW RESPECTING FIRE RESTRICTION

The Council of the Rural Municipality of Rosthern No. 403, in the Province of Saskatchewan enacts as follows:

TITLE

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

PURPOSE

To provide for public safety in times of extreme fire hazard conditions;
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;

PART I – DEFINITIONS

1. "Administrator" shall mean the administrator of the municipality, or in their absence their designate;
2. "Bylaw Enforcement Officer" means Twin Rivers Bylaw Enforcement Officer appointed;
3. "Council" shall mean the council of the Rural Municipality of Rosthern No. 403;
4. "Designated Officer" shall mean an employee or agent of the Rural Municipality of Rosthern No. 403 appointed by Council to act as a municipal inspector for the purpose of this bylaw;
5. "Discharge" includes to ignite, fire, or set off and the words "discharging" and "discharged" have a similar meaning;
6. "Enforcement and Protective Services" means the municipal department responsible for delivery of services law enforcement within its jurisdictional area.
7. "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.
8. "Municipality" shall mean the Rural Municipality of Rosthern No. 403;
9. "Public Works Committee" means the appointed Public Works Committee of Council for the Rural Municipality of Rosthern No. 403.
10. "Reeve" shall mean the person elected as Reeve to the municipality, or in their absence the Deputy Reeve.
11. "Supervising Officer" means a person appointed by the Municipality to oversee the Enforcement and Protective Services Department, or their designate;

PART II – GENERAL REQUIREMENTS

12. 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.
13. 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.

PART III - FIRE BAN

14. A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by the Public Works Committee and Administrator of the Municipality identified in 15. 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.
15. Pursuant to section 14 the municipal officials so authorized, in any tandem, to issue a fire ban are the Public Works Committee and Administrator.
16. No person shall light, or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air during a fire ban.
17. 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.
18. A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
19. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
20. A Designated Officer may cause a fire to be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
21. The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service in accordance with the Municipalities Bylaws.
22. The Administrator shall as per Section 369 of *The Municipalities Act* add to the taxes of any property owned, occupied or inhabited by the person referred to in Section 21 of this bylaw any amount which remains unpaid at the end of the calendar year.
23. 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.
24. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
25. Notwithstanding Section 23, a Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
26. The notice of violation shall require the person to pay to the Municipality;

- a. In a case of an individual, to a fine of \$300.00 for a first offence and \$450.00 for a second offence to be paid within twenty-one (21) days of notice.
- b. In the case of a Company or Corporation, to a fine of \$500.00 for a first offence and \$1000.00 for a second offence to be paid within twenty-one (21) days of notice.

27. The amount specified in clause 26 may be paid:

- a. in person, during regular office hours, to the Municipality at the Municipal Office, 2022 6th Street Rosthern, Saskatchewan, OR
- b. by mail addressed to the Rural Municipality of Rosthern No. 403 Box 126 Rosthern, Sk S0K 3R0

28. If payment of the fine as provided in clause 26 is made prior to 21 days from the date they received the notice of violation, the person shall not be liable to prosecution for that offence.

29. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

Limitation of Prosecution

30. 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.

31. 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.

32. This bylaw shall come into force on final passing thereof.

Reeve, Martin Penner

(SEAL)

Acting Administrator, Amanda McCormick

Read a first time this ____ day of _____, 2019.

Read a second time this ____ day of _____, 2019.

Read a third time and adopted this ____ day of _____, 2019.

BYLAW VIOLATION NOTICE

Reference No. _____

RURAL MUNICIPALITY OF ROSTHERN NO. 403

BYLAW VIOLATION NOTICE

Name	
Mailing Address	

This official notice is issued for alleged breach of the following bylaw:

Bylaw No. 1.2019	
Section #:	
Offence:	
Voluntary Payment:	

DETAILS OF ALLEGED BREACH OF VIOLATION:

Date of Violation

Time of Violation

Legal Land Description, Civic Address if applicable.

Other particulars:

PENALTY:

Take notice that you will be responsible to remit a voluntary payment to the Municipality in the amount stipulated above if the offence noted is not remedied within 72 hours.

Should the offence not be remedied within 72 hours of the noted date of violation, payment is required to be made in person at the municipal office or by mail to:

Rural Municipality of Rosthern No. 403
Box 126
Rosthern, Saskatchewan, S0K 3R0.

To avoid prosecution of this offence, the voluntary payment indicated above must be received by _____, or a summons requiring your appearance in provincial court may be issued

Issued this _____ day of _____, 20 _____. By Twin Rivers Bylaw Enforcement Officer.

Signature of Designated Official