

A BYLAW RESPECTING FIRE RESTRICTION
RURAL MUNICIPALITY OF WINSLOW NO. 319
BYLAW NO. 3-2018

The Council of RM of Winslow No. 319, in the Province of Saskatchewan enacts as follows:

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;

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. "Council" shall mean the elected Council of the Municipality;
3. "Designated Office" shall mean the Administrator, a Peace Officer, Bylaw Officer, Fire Chief and any person appointed to enforce this bylaw;
4. "Discharge" includes to ignite, fire, or set off and the words "discharging" and "discharged" have a similar meaning;
5. "Enforcement and Protective Services" means the municipal department responsible for delivery of services and the RCMP within its jurisdictional area.
6. "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.
7. "Municipality" shall mean the RM of Winslow No. 319;

8. "Peace Officer" means a peace officer defined in *Act, 1990; The Summary Offence Procedures*;
9. "Reeve" shall mean the person elected as Reeve of the municipality, or in their absence The Deputy Reeve;
10. "Bylaw Officer" means a person appointed by the Municipality to oversee the Enforcement and Protective Services, or their designate;

PART II – GENERAL REQUIREMENTS

11. 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.
12. 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

13. A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by any two officials of the Municipality identified in 14. A fire ban shall be issued in writing and shall identify;
 - a. The time and date 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.
14. Pursuant to section 13 the municipal officials so authorized, in any tandem, to issue a Fire ban are the Administrator, Reeve, Bylaw Officer, Deputy Reeve or Fire Chief.
15. No person shall light, or start or allow or cause to be ignited, a fire of any kind whatsoever during a fire ban.
16. No person shall discharge, or start or allow or cause to be discharged or ignited any Fireworks of any kind whatsoever during a fire ban.
17. 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.

18. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
19. 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.
20. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of \$500 for the first offence and \$1,000 for each subsequent offence.
21. A new offence is deemed to have been committed not less than two (2) hours from any Previous offence.
22. Where the Designated Officer believes that a person has contravened any provision of this Bylaw , he/she may serve upon such person a Notice of Violation either personally or by mailing or leaving same at the last known address and such service shall be adequate for the purpose of this Bylaw.
23. Schedule "A" to this Bylaw is the form to be used for a Notice of Violation.
24. The notice violation shall require the person to pay to the Municipality;
 - a. in a case of an individual, to a fine of \$500 for the first offence and \$1,000 for each subsequent offence.
25. The amount specified in clause 24 may be paid:
 - a. in person, during regular office hours, to the Municipality at the Municipal Office, 125 Second Avenue, Doddsland, SK. S0L 0V0
 - OR**
 - b. by mail addressed to the RM of Winslow No. 319, PO Box 310, Doddsland, SK S0L 0V0.
26. If payment of the fine as provided in clause 24 is made prior to the due date noted on The notice of violation, the person shall not be liable to prosecution for that offence.
27. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

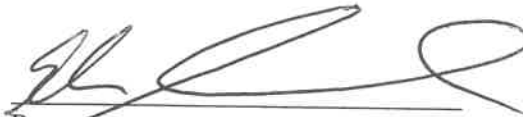
Limitation of Prosecution

29. 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.
30. 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.

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




Reeve


Administrator

*Certified a true copy
of Bylaw No. 3-2018
passed by resolution
of Council on July 11, 2018*

*Ryan MacDonald
Administrator*



SCHEDULE "A"
BYLAW NO. 3-2018

R.M. of Winslow No. 319
Bylaw Violation Notice

NAME: _____

ADDRESS: _____

This notice is issued for alleged breach of Bylaw No. 3-2018.

OFFENSE: _____

VOLUNTARY PAYMENT OPTION: _____

Details of Alleged Violation: (Date & Time, Location, other)

Penalty:

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence. Payment may be made in person at the R.M. Office or by mail to:

R.M. of Winslow No. 319
Box 310
Doddsland, SK S0L 0V0

If the voluntary payment indicated above is not received by _____,
(30 days from date of service)
a summons requiring your appearance in Provincial court will be issued.

Issued this _____ day of _____, 20____

Designated Officer Signature