

RURAL MUNICIPALITY OF LAKE LENORE NO. 399

BYLAW NO. 2/2019

A BYLAW TO ESTABLISH A PROCESS FOR BANNING FIRES IN THE MUNICIPALITY

The Council of the Rural Municipality of Lake Lenore #399 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 his/her absence his/her delegate;
2. "Bylaw Officer" means a person or company appointed by the municipality to oversee bylaw enforcement, or their designate;
3. "Council" shall mean the elected council of the municipality;
4. "Designated Officer" shall mean the Administrator, a Peace Officer, Bylaw Officer, Fire Chief, and any person appointed to enforce this bylaw;
5. "Discharge" includes to ignite, fire, or set off, and the words "discharging" and "discharged" have similar meaning;
6. "Enforcement and Protective Services" means the bylaw enforcement agency/person contracted by the municipality and the RCMP within its jurisdictional area;
7. "Fire Chief" shall mean the fire chief for the respective divisions of the municipality, as follows:
  - a. Division 1 = Fire Chief for Naicam Fire Department
  - b. Division 2 = Fire Chief for Naicam Fire Department
  - c. Division 3 = Fire Chief for Lake Lenore Fire Department
  - d. Division 4 = Fire Chief for St. Brieux & District Fire Protection Association
  - e. Division 5 = Fire Chief for St. Brieux & District Fire Protection Association
  - f. Division 6 = Fire Chief for St. Brieux & District Fire Protection Association
8. "Fireworks" means any article defined as a firework pursuant to *The Canada Explosives Act* or any Regulations thereto, and shall include Low Hazard Fireworks and High Hazard Fireworks and Manufactured Fireworks, and shall also include fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, 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 cake sparklers, Christmas crackers, caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive per cap;
9. "Municipality" shall mean the Rural Municipality of Lake Lenore No. 399;

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL DOCUMENT.  
Certified by *[Signature]*  
this 17 day of June, 2019.

10. "Peace Officer" means a peace officer as defined in *The Summary Offence Procedures Act, 1990*;
11. "Reeve" shall mean the person elected as Reeve in the municipality, or in his/her absence, the person appointed as Deputy Reeve;

## **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 any two officials of the municipality identified in section 15. 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 will be lifted, or will be reviewed;
  - d. The 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 Administrator, Reeve, Deputy Reeve, Bylaw Officer, or Fire Chief.
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. Propane and natural gas barbeques, camp stoves, and fire pits are permitted.
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.
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 that remains unpaid at the end of the calendar year or 21 days after the person has been invoiced for said services, whichever is earlier.

## **PART IV - ENFORCEMENT**

23. Every person who contravenes any provision of this 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 \$1,000 and not more than \$10,000, to imprisonment for not more than one year, or 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, second, or subsequent offence under this bylaw.
  26. The notice of violation shall require the person to pay to the municipality:
    - a. in the case of a first offence, a fine of \$300
    - b. in the case of a second offence, a fine of \$450
    - c. in the case of a third or subsequent offence, a fine of \$1,000.
  27. The amount specified in Section 26 may be paid:
    - a. in person, during regular office hours, to the municipality, at the Administration Office located at 200 Main Street, St. Brieux, Saskatchewan; OR
    - b. by mail addressed to the R.M. of Lake Lenore No. 399, P.O. Box 280, St. Brieux, Saskatchewan, S0K3V0.
  28. If payment of the fine as provided in Section 26 is made prior to the due date noted on 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**

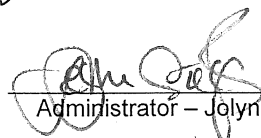
30. Unless otherwise specifically stated, no prosecution for an offence pursuant to this bylaw is to be commenced after two years from the date on which the offence is alleged to have been committed, or in the case of a continuing offence, the last date on which the offence was committed.
31. If any 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.

**PART V – COMING INTO FORCE**

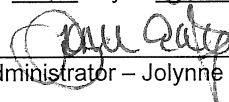
32. This bylaw shall come into effect upon the third reading.



  
 Reeve – Jean Kernalleguen

  
 Administrator – Jolynne Gallays

Read a third time and adopted  
 this 11 day of JUNE, 2019.

  
 Administrator – Jolynne Gallays