

# Rural Municipality of Arlington No. 79

## BYLAW 417

### A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN

The Council of the Rural Municipality of Arlington No. 79 in the Province of Saskatchewan, enacts as follows:

A **BYLAW** of the RM of Arlington No. 79 to establish a process for implementing a Fire Advisory or Fire Ban within the Municipality.

**Whereas** Section 8(1)(b) 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;

**AND WHEREAS** the RM of Arlington No. 79 pursuant to the powers granted to it under *The Municipalities Act*, wishes to provide for the banning of fires within all or any part of the RM of Arlington No. 79 for the health, safety and welfare of the people and protection of the people and property from damage or destruction by fire on the terms hereinafter provided:

**Now Therefore**, the RM of Arlington No. 79 enacts as follows:

1. This Bylaw may be cited as the "Fire Ban Bylaw";
2. The preamble forms a part of the Bylaw;
3. In this Bylaw:
  - 3.1 "**Administrator**" shall mean the Administrator of the RM of Arlington No. 79;
  - 3.2 "**Council**" shall mean the Council of the RM of Arlington No. 79;
  - 3.3 "**Municipality**" shall mean the RM of Arlington No. 79;
  - 3.4 "**RM of Arlington No. 79**" shall mean the Rural Municipality of Arlington No. 79;
  - 3.5 "**Reeve**" shall mean the Reeve of the RM of Arlington No. 79;
  - 3.6 "**Fire Chief**" shall mean the Fire Chief of Shaunavon District Fire and Rescue and or the Fire Chief of the Eastend and District Fire Department;
  - 3.7 "**Fire Protection Committee**" shall mean the Fire Protection Committee of the RM of Arlington No. 79. The Committee shall be comprised of all members of Council.
  - 3.8 "**Violation Ticket**" shall mean a ticket issued for an offense committed against any provision of this Bylaw.
4. Notwithstanding the provision in any other Bylaw the Fire Protection Committee may, upon receiving input from the Fire Chief, declare a Fire Advisory or Fire Ban to all or any part of the Municipality.
  - 4.1 **Fire Advisory means** – Open burning in the Municipality is not recommended due to dry Conditions. It is recommended Agriculture and Industrial operations have water tanks filled and at their disposal at all times. Ratepayers will be advised to use extreme caution when burning or using fireworks and have a plan to extinguish a fire and prevent wildfires.
  - 4.2 **Fire Bans - 2 Types:**
    - (a) **Partial Ban means** – No fires or fireworks are permitted. Use of Canadian Standards Association (CSA) and Underwriter Laboratories (UL) approved appliances are permitted (Incinerators, Liquid Fuel Barbecues, Camp Stoves). Burning barrels with screens under constant supervision are permitted. Solid fuel barbecues and recreational campfires are permitted as per Schedule A.

(b) **Complete Ban means** – No agricultural or commercial burning, open burning, fireworks, burning barrels or fire pits/campfires are permitted. Use of CSA and UL approved appliances are permitted (Incinerators, Liquid Fuel Barbecues, Camp Stoves).

4.3 A fire ban shall be issued in writing and shall identify:

- a. The time and date that the fire ban commences;
- b. The type of fire ban and the land location(s) or part of the Municipality 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.

4.4 When a fire ban is declared, the Municipality may notify the public in any manner it deems appropriate, including registering it with the Saskatchewan Public Safety Agency's Provincial Emergency Communication Centre.

4 When determining whether to declare a Fire Advisory or Fire Ban within all or any part of the RM of Arlington No. 79, consideration shall be given to any or all of the following factors:

- (a) Levels of recent precipitation;
- (b) Future weather forecasts;
- (c) Water shortages and/or 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) The wildfire hazard rating for the Municipality (posted on the Saskatchewan Public Safety Agency website); and
- (h) Recommendation of the Fire Chief(s)

5 Once a fire ban is implemented, if a fire is burning, the Municipality may, subject to the availability of personnel and equipment, take any action that is necessary to control and extinguish the fire.

6.1 The cost of the firefighting services, including fire prevention and fire suppression, provided by the nearest available Fire Departments, shall be assessed and levied in accordance with the Fire Departments rates.

6.2 For the purpose of assessing and levying costs of firefighting services, the person who owns or occupies the land upon which a fire originated shall be deemed to be the person who receives the firefighting services to control and extinguish the fires.

6.3 Any amount with respect to firefighting services provided to a person within the Municipality pursuant to Section 6 hereof that remains unpaid at the end of the year in which the service was provided shall be added to and form a part of the taxes on any land or improvement owned by that person.

6 Where the Fire Chief(s), the Administrator, member of Council or Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon such person a Bylaw Violation Notice as provided by this section.

7.1 Service of such a Bylaw Violation Notice shall be sufficient if:

- (a) personally served;
- (b) Mailing by registered mail; or
- (c) Leaving same at the last known address of the person in the violation.

7.2 Such notice shall be deemed to have been served:

- (a) On the day of actual delivery, If the notice is served personally;
- (b) 10 business days after mailing unless the delivery receipt is an earlier date of which that date would be deemed the date of service; or
- (c) The next business day after delivering to the last known address.

7.3 A Bylaw Violation Notice shall be in such form as determined in Schedule B and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Clause 7.3 (a-c) that will be accepted by the Municipality in lieu of prosecution.

- (a) \$1,000. for the first offence;
- (b) \$2,000. for a second offence occurring within 12 months of the first offense;
- (c) \$3,000. For a third offense occurring within 12 months of the second offense.

A new offence is deemed to have been committed not less than two (2) hours from any previous offence.

7.4 Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in Clause 7.3 (a-c) to the Administrator of the Municipality, 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.

7.5 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 of committing a contravention of any of the provisions of this Bylaw.

7 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:

- 7.8 \$4,000. for the first offence;
- 7.9 \$4,000. for a second offence occurring within 12 months of the first offense;
- 7.10 \$6,000. for a third offence occurring within 12 months of the second offense.

8 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.

9 That Bylaw No. 373 the "Fire Restriction Bylaw" is hereby repealed.

10 This Bylaw shall come into force and effect on the final day of passing thereof.



Reeve

Administrator

Read a third time and adopted this

9<sup>th</sup> day of FEBRUARY, 2022

Administrator

Certified to be a true copy of Bylaw No. 417  
adopted by the council of the Rural Municipality of  
Arlington No. 79 on the 9 day of February, 2022



Administrator

**Schedule A**  
**TO Bylaw 417**  
**A Bylaw to Enact a Fire Advisory or Fire Ban**

**Solid Fuel Barbecues and Recreational Campfires are permitted under certain provisions of the Fire Ban Bylaw:**

1. Fires must be under constant supervision by an adult.
2. Enclosed fire pits or barbecues must be covered with a metal screen having openings no greater than ½” and must cover the entire opening. Logs or other fuel source must be fully contained within the enclosure. Embers and ash must be prevented from escaping the enclosure.
3. The fire pit/barbecue must be a distance of at least 20 inches from any grass, and 10 feet from any combustible structure or item.
4. Be prepared and have a plan to extinguish a fire should it escape from the fire pit/barbecue.
5. Fires and embers must be extinguished completely when not under constant supervision.
6. Absolutely no burning in wind speeds above 25 km/hour.

**Schedule B to Bylaw No 417  
BYLAW VIOLATION NOTICE**

Reference No. \_\_\_\_\_

RM OF ARLINGTON NO. 79  
BYLAW VIOLATION NOTICE

Name	
Address	

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

Bylaw No.	
Section #:	
Offence:	
Voluntary Payment:	

DETAILS OF ALLEGED BREACH OF VIOLATION:

- o Date and time of violation \_\_\_\_\_
- o Location of violation \_\_\_\_\_
- o Other particulars – description of vehicle, etc \_\_\_\_\_

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 municipal office or by mail to RM of Arlington No. 79, Box 1115, Shaunavon, Sask. S0N 2M0.

If the voluntary payment indicated above is not received by [ \_\_\_\_\_ ]<sup>1</sup>, a summons requiring your appearance in provincial court will be issued.

Issued this [ \_\_\_\_\_ ] by [ \_\_\_\_\_ ], Designated Officer<sup>2</sup>

\_\_\_\_\_  
Signature of Designated Officer

**VOLUNTARY PAYMENT SCHEDULE**

<u>OFFENCE</u>	<u>VOLUNTARY PAYMENT</u>
<i>(Summary description of offence and section reference)</i>	<i>Amount</i>

NOTES:

1. A person who contravenes a bylaw may pay an amount established by bylaw and, if the amount is paid, the person will not be prosecuted for the contravention<sup>1</sup>. Voluntary payment must be received within 30 days of the date the Violation Notice is issued.
2. The Designated Officer will be the Fire Chief, the Administrator, member of Council, or Bylaw Enforcement Officer.
3. A person may make the voluntary payment to avoid prosecution; however, he or she may wish to attend a council meeting to defend him or herself against the allegation rather than going to court.
4. The Bylaw Violation Notice should contain:
  - a) the name and address of the person;
  - b) identify the violation in terms of bylaw, section and written description;
  - c) the amount of the voluntary payment;
  - d) particulars of the alleged violation;
  - e) how the payment should be made; and
  - f) the deadline by which the payment should be received by the municipality.