

**RURAL MUNICIPALITY OF MIRY CREEK NO. 229  
ABBEY, SK**

**BYLAW NO. 2016-5**

**A BYLAW TO AUTHORIZE THE ISSUANCE OF A FIRE BAN WITHIN THE  
BOUNDARIES OF THE RURAL MUNICIPALITY OF MIRY CREEK NO. 229**

The Council of the Rural Municipality of Miry Creek No. 229 in the Province of Saskatchewan enacts as follows:

**PART I – PURPOSE AND DEFINITIONS**

**Purpose**

1. The purpose of this bylaw is to:
  - a) provide for public safety in times of extreme fire hazard conditions;
  - b) restrict or eliminate the use of fire within the municipality in areas of fire danger;
  - c) attempt to minimize the risk of accidental fire;
  - d) regulate open fires, fireworks and burning of any kind;
  - e) recover costs associated with the provision of fire protection services;
  - f) authorize the municipality to issue Notices of Violation and Penalties related to violations of this Bylaw.

**Definitions**

2. In this bylaw:
  - a) “Administrator” means the administrator of the municipality, appointed pursuant to Section 2 of *The Municipalities Act*, or in their absence their designate;
  - b) “Council” shall mean the council of the Municipality;
  - c) “Designated Officer” shall mean the Administrator, a Peace Officer, and any person appointed to enforce this bylaw;
  - d) “Discharge” includes to ignite, fire, or set off and the words “discharging” and “discharged have a similar meaning;
  - e) “fireworks” means any article defined as a firework pursuant to *The Canada Explosives Act* or any regulations thereto;
  - f) “Municipality” shall mean the Rural Municipality of Miry Creek No. 229;
  - (g) “Reeve” shall mean the person elected as Reeve to the municipality, or in their absence the Deputy Reeve.

**PART II – FIRE BAN**

3. A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by the two officials of the Municipality identified in Section 4. A fire ban shall be issued in writing and shall identify:
  - a) The date that the fire ban commences;
  - b) The area the fire ban covers;
  - c) The date the fire ban will be lifted or reviewed;
  - d) Person or persons authorizing the fire ban;
  - e) Authority allowing the ban;
  - f) Other information that may be in the public interest.

4. Pursuant to Section 3 the municipal officials so authorized to issue a fire ban are the Reeve AND the Administrator.
5. 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.
6. 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.
7. A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
8. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
9. 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.
10. The cost of fire prevention, suppression and emergency response services shall be charged directly on the person who receives the service in accordance with Schedule "A" which is attached to and forming a part of this bylaw.
11. 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 19 of this bylaw any amount which 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 III – PENALTIES AND ENFORCEMENT**

12. 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 to both.
13. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
14. Notwithstanding Section 12, a Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
15. The notice of violation shall require the person to pay to the Municipality:
  - a) In a case of an individual, a fine of \$300 for a first offence and \$450 for a second offence.
16. The amount specified in Clause 15 may be paid:
  - a) In person, during regular office hours, to the Municipality at the Municipal Office located at 143 Wayne Street, Abbey Saskatchewan; or

b) By mail addressed to the Rural Municipality of Miry Creek No. 229:

Box 210  
Abbey Saskatchewan S0N 0A0

- 17. If payment of the fine as provided for in clause 15 is made prior to 15 days from the date they received the notice of violation, the person shall not be liable to prosecution for that offence.
- 18. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

**Limitation of Prosecution**

- 19. 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.
- 20. 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 IV – EXCLUSIONS**

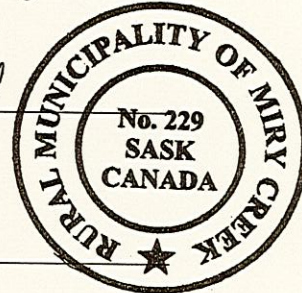
- 21. This bylaw shall not apply to:
  - a) Gas or Propane Barbeques;
  - b) Gas or Propane Fire Tables
 providing they are not left unattended and are used solely for the intended purpose.

**PART V – COMING INTO EFFECT**

- 22. This bylaw shall come into effect upon the final reading thereof.

*M. P. Russell*  
Reeve

*[Signature]*  
Administrator



Section 8, 18 & 21 of *The Municipalities Act*

Read a third time and adopted this 10th day of May 2016.

**Certified a true copy of Bylaw**

2016-5

**as adopted by resolution of Council**

the 10<sup>th</sup> day of May, 2016.

*[Signature]*



**Schedule "A"**  
**Bylaw 2016-5**

**Fees and Charges for Enforcement and Protective Services**

Fire Prevention	\$80 per person hour - Minimum charge of one hour
Fire Suppression	\$80 per person hour - Minimum charge of one hour - Plus costs
Emergency Response	\$120 per person hour - Minimum charge of one hour - Plus costs

**Other Fees and Charges**

Fire Department/ Fire Suppression Services or other fees and charges respecting fires:

- Actual invoiced amount from the provider of firefighting or fire suppression service
- Plus all reasonable costs