

Rural Municipality of Buckland No. 491

Bylaw 10 of 2023

FIRE SERVICES BYLAW

A bylaw of the Rural Municipality of Buckland No. 491 in the Province of Saskatchewan for the purpose of establishing and operating the Municipality's Fire Protection, providing fire protection to the municipality, and the recovery of Fire Protection Charges.

WHEREAS *The Municipalities Act*, provides that a council of a municipality may pass bylaws for municipal purposes respecting the following matters:

- a) The safety, health and welfare of people, and the protection of people and property;
- b) Services provided by or on behalf of the municipality; and
- c) The enforcement of bylaws;

AND WHEREAS *The Municipalities Act* further provides that a municipality may pass bylaws to prevent, regulate and control the lighting of fires and may collect pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing fires;

AND WHEREAS Council for the Rural Municipality of Buckland No. 491 wishes to provide Fire Protection Services within the Municipality through Fire Protection Organizations and provide for the efficient operation of such services as per *The Wildfire Act* and *The Fire Safety Act*.

AND WHEREAS Council for the Rural Municipality of Buckland No. 491 wishes to provide for the prevention, regulation and control of the lighting of fires within the Municipality;

NOW THEREFORE, the Council of the Rural Municipality of Buckland No. 491 in the Province of Saskatchewan enacts as follows:

SECTION 1. TITLE

1.1 This Bylaw shall be known as the "*Fire Services Bylaw*"

SECTION 2. DEFINITIONS

2.1 In this Bylaw:

- (a) "Administrator" means the administrator of the Municipality or designate;
- (b) "Apparatus" means any vehicle provided with machinery, or equipment for firefighting operated by or for Fire Protection Services whether that vehicle operates on land, in the air, or on the water;
- (c) "Burning Barrel Fire" means a fire confined to a non-combustible structure or container which is lit for the purpose of burning household refuse;
- (d) "Controlled Burn" means a fire that is lit for the purpose of burning organic material including, without limitation, trees or stubbles but does not include a Burning Barrel Fire, a Recreational Fire or a Smudge Fire;
- (e) "Council" means the municipal council of the Municipality;
- (f) "Designated Officer" shall mean the Administrator, a Peace Officer, Bylaw Officer, Fire Chief, and any person appointed to enforce this bylaw;
- (g) "Equipment" means any tools, devices, materials or supplies used by or for Fire Protection Services to respond to an Incident;
- (h) "Fire Ban" means an order issued under *The Wildfire Act*, or an order issued pursuant to this Bylaw, prohibiting the lighting of, and requiring the extinguishment of all fires within the Municipality;
- (i) "Fire Protection Services" means any and all of the services enumerated in Section 3.1 and includes any other service delivered by or for Fire Protection Organizations that is authorized by Council;



- (j) "Fire Protection Charges" means all costs or charges incurred for Fire Protection Services as per current fire service agreements entered into by the Municipality with Fire Protection Organizations;
- (k) "Fire Protection Organizations" means the organizations that provide Fire Protection Services under contract with the Municipality;
- (l) "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, 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.
- (m) "Incident" means a fire or a situation where a fire or explosion is imminent or any other emergency where there is a danger or possible danger to life or property;
- (n) "Incident Command" means the highest-ranking member of the Fire Protection Organization who is in attendance at an Incident or his/her designate;
- (o) "Municipality" means the Rural Municipality of Buckland No. 491;
- (p) "Outdoor Fire" means any fire in the Municipality started or caused by any person, including without limitation a Controlled Burn; a Burning Barrel Fire, a Recreational Fire and a Smudge Fire;
- (q) "Prohibited Debris" means any combustible hazardous waste as defined in *The Environmental Management and Protection Act, 2010* and any amendments thereto;
- (r) "Recreational Fire" means a fire confined within a non-combustible structure or container, which is lit for the purpose of cooking, obtaining warmth or viewing for pleasure, which is fueled solely by dry wood, charcoal, natural gas, or propane;
- (s) "Smudge Fire" means a fire which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost;
- (t) "Violation Ticket" means a violation ticket issued for an offence committed against any of the provisions of this Bylaw.

SECTION 3. FIRE PROTECTION

3.1 Council pursuant to this Bylaw will contract Fire Protection Services in the Municipality with Fire Protection Organizations for the purpose of:

- (a) Preventing and extinguishing fires;
- (b) Preserving life and property and protecting persons and property from injury or destruction by fire;
- (c) Enforcing the requirement of the Municipality under *The Wildfire Act*;
- (d) Preventing, combating and controlling incidents;
- (e) Carrying out preventable controls;
- (f) Maintaining and operating Apparatus and Equipment for extinguishing fires and preserving life and property;
- (g) Providing rescue services for motor vehicle collisions, not including water or ice rescue;

in accordance with the policies and guidelines established by the Municipality from time to time and all applicable legislation

SECTION 4. AUTHORITY AND RESPONSIBILITY OF INCIDENT COMMAND

4.1 Incident Command at an Incident shall have control, direction and management of all Apparatus, Equipment and manpower assigned to that Incident and shall continue to act as the Incident Command until Incident Command is transferred to another person or the Incident ends.



- 4.2 Incident Command shall take action as deemed necessary for preserving life and property and protecting persons and property from injury or destruction by fire or other emergency and is authorized to:
- (a) enter, pass through or over buildings, structures or property whether adjacent or in proximity to an Incident and to cause Fire Protection Organizations or Apparatus or Equipment to enter or pass through or over the building, structure or property without permission;
 - (b) establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized;
 - (c) request Bylaw Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in subsection (b);
 - (d) cause a building, structure or thing to be pulled down, demolished or otherwise removed;
 - (e) request Municipal manpower and equipment which is considered necessary to deal with an Incident; and
 - (f) request any adult person to assist in:
 - i) extinguishing a fire or preventing the spread thereof;
 - ii) removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and
 - iii) demolishing a building or structure at or near the fire or other Incident.

SECTION 5. CONTROLLED BURN

- 5.1 Any person that lights a Controlled Burn upon land owned or occupied by such person must report the fire in advance to the controlled burn phone line designated by the Municipality.
- 5.2 In the event no advance reporting of the Controlled Burn is made and should Fire Protection Services be dispatched to the site of the Controlled Burn even though the Controlled Burn is being supervised and under control, the owner of the parcel of land shall be responsible for Fire Protection Charges and Section 8 of this Bylaw shall apply.

SECTION 6. PERMITTED AND PROHIBITED FIRES

- 6.1 Any person that lights or causes to be lit any Outdoor Fire or permits any Outdoor Fire upon land owned or occupied by such person or under such person's control within the boundaries of the Municipality shall do so as provided by this Bylaw.
- 6.2 No person shall burn or cause to be burned any Prohibited Debris within the boundaries of the Municipality.
- 6.3 This Bylaw does not apply to:
- (a) An Outdoor Fire lit by Fire Protection Organizations for training or preventative control purposes;
 - (b) An Outdoor Fire prescribed by regulations under *The Wildfire Act*; or
 - (c) A fire confined to an incinerator regulated under *The Environmental Management and Protection Act, 2010*.
- 6.4 In the event there is a failure to control an Outdoor Fire and Fire Protection Services are provided to the fire area, the person or persons causing or contributing to the fire or the owners or occupants of the parcel of land shall be responsible for Fire Protection Charges and Section 8 of this Bylaw shall apply.

SECTION 7. FIRE BAN

- 7.1 The Administrator may, from time to time, prohibit all fires in the Municipality, when in the opinion of the Administrator, in consultation with area fire departments, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- 7.2 A Fire Ban imposed pursuant to Section 7.1 of this Bylaw, shall remain in force until either the date provided in the notice of the Fire Ban or until such time as the Administrator provides notice to the public that the Fire Ban is no longer in effect.



- 7.3 Notice of a Fire Ban shall be provided to the public by the Municipality by any means which the Administrator determines is appropriate, including posting the existence of a Fire Ban on the Municipality's website.
- 7.4 When a Fire Ban has been issued by the Municipality, and is in effect, no person shall:
- (a) Ignite a fire contrary to the Fire Ban order, or
 - (b) Permit a fire to burn contrary to the Fire Ban order, or
 - (c) Discharge, or start or allow or cause to be discharged, ignited or started any fireworks of any kind whatsoever during a fire ban.
- 7.5 Before igniting a fire, it is the responsibility of any person, to ensure that there is no Fire Ban in effect. It is not a defence in proceedings pursuant to this Bylaw that the accused did not know that there was a Fire Ban in effect at the time a fire was ignited.
- 7.6 Any owner or person in lawful possession of a property on which a fire is burning contrary to the provisions of this Bylaw may be ordered to extinguish the fire at the direction of an agent of the Municipality, or an officer authorized to enforce the provisions of this Bylaw, or by a member of a Fire Protection Service. Failure to comply with that direction is an offence contrary to this Bylaw.
- 7.7 Further to Section 7.6, if sufficient effort has not been made to extinguish the fire within thirty (30) minutes of being ordered to extinguish the fire, the owner of the property will be considered in contravention of this bylaw, and a notice of violation may be issued.

SECTION 8. FIRE PROTECTION CHARGES

- 8.1 Upon Fire Protection Services being provided on a parcel of land within the Municipality's boundaries, the Municipality shall, in its sole and absolute discretion, invoice Fire Protection charges to the owner of the parcel(s) of land receiving Fire Protection Services. All persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Municipality.
- 8.2 Notwithstanding any other provision herein, the Municipality shall be responsible for firefighting charges where a response occurs to a Controlled Burn that was properly reported under the provision of this Bylaw, where a response is deemed to be a false alarm.
- 8.3 Excepting where contraventions of this Bylaw, or any other municipal statute, provincial statute, or federal statute have occurred, including, but not limited to burning during a Fire Ban, Fire Protection Charges shall be charged in full per property per Incident.
- 8.4 Fire Protection Charges shall be paid within ninety (90) days of receipt.
- 8.5 The Municipality may add to the tax roll of the parcel of land all unpaid Fire Protection Charges in accordance with Section 369 of *The Municipalities Act*.

SECTION 9. NOTICE

- 9.1 Any notice required for in this Bylaw shall be in writing.
- 9.2 Service of such notice may be made as follows:
- (a) Personally upon the person to be served; or to any person receiving it on his or her behalf; or
 - (b) By mailing the copy to the person to be served to the last known post office address of the person to be served;
 - (c) Where the property is not occupied, by mailing the notice by regular mail to the mailing address noted on the Municipality tax roll for the property;
 - (d) As directed by the courts.
- 9.3 Service is presumed to be effected under Section 9.2 in accordance with *The Municipalities Act*.

- 9.4 This Section shall not apply to the notice of a Fire Ban to be given by the Administrator as referenced in Section 7.3 of this Bylaw.

SECTION 10. OFFENCES

- 10.1 No person shall:

- (a) Contravene any provision of this Bylaw.

SECTION 11. PENALTIES

- 11.1 A person who contravenes any provision of this Bylaw, fails to comply with any order or request directed to that person pursuant to this Bylaw is guilty of an offence and is liable, upon summary conviction, to the specified penalty for the offence set out in Schedule "A", attached to and forming part of this Bylaw.

SECTION 12. VIOLATION TICKET

- 12.1 A Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to this Bylaw to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 12.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) Specify the fine amount established by this Bylaw for the offence; or
 - (b) Require a person to appear in court without the alternative of making a voluntary payment.

SECTION 13. VOLUNTARY PAYMENT

- 13.1 A violator of any of the subsections of this Bylaw, upon being served with a Notice of Violation, may during regular office hours, voluntarily pay the penalty at the municipal office of the RM of Buckland No. 491, located at 99 River Street East, Prince Albert SK S6V 0A1, within ninety (90) days from the date of service, and upon payment as so provided, that person shall not be liable to prosecution of the offence.
- 13.2 The Notice of Violation shall be in the form as laid out in the General Penalty Bylaw.

SECTION 14. SEVERABILITY

- 14.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

SECTION 15. REPEAL BYLAW

- 15.1 Bylaw No. 2 of 2015 is hereby repealed.



SECTION 16. EFFECTIVE DATE

16.1 This Bylaw shall come into force and effect upon third and final reading.

Introduced and read the first time, this 12th day of June, 2023.

Read a second time, this 10th day of July, 2023.

Read a third time and adopted this 10th day of July, 2023.




REEVE

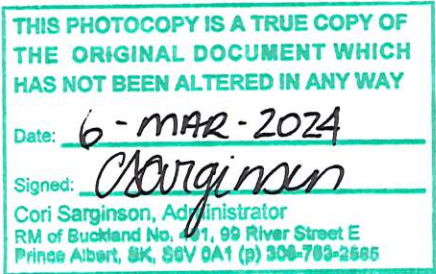

ADMINISTRATOR



SCHEDULE "A" – SPECIFIED PENALTIES

OFFENCE SPECIFIC PENALTY

Contravention of any provision of this Bylaw	\$300.00
Second or subsequent offence within One (1) Year	\$500.00



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