

**BYLAW NO. 4-2016
R.M. OF LEASK NO. 464**

A BYLAW RESPECTING FIRE RESTRICTION

The Council of RM of Leask No. 464, in the Province of Saskatchewan enacts as follows:

SECTION 1. TITLE

This bylaw shall be referred to as the "*Fire Restriction Bylaw*".

SECTION 2. 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, and burning of any kind.

SECTION 3. 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 Officer" shall mean the Administrator, Reeve, 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. "Municipality" shall mean the RM of Leask No. 464;
7. "Peace Officer" means a peace officer as defined in *Act, 1990; The Summary Offence Procedures*
8. "Reeve" shall mean the person elected as Reeve of the municipality, or in their absence the Deputy Reeve.
9. "Bylaw Officer" means a person appointed by the Municipality to oversee the Enforcement and Protective Services, or their designate;

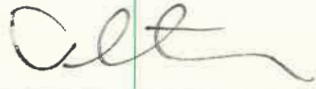
SECTION 4. FIRE BAN

10. 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 15. A fire ban shall be issued in writing and shall identify;
 - a. The time and date that 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;

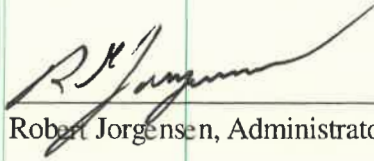
- e. Authority allowing the fire ban;
 - f. Other information that may be in the public interest.
11. Pursuant to section 9 the municipal officials so authorized, in any tandem, to issue a fire ban are the Administrator, Reeve, Deputy Reeve or Fire Chief.
 12. No person shall light, or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air during a fire ban. Barbeques and camp stoves are permitted.
 13. 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.
 14. A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the Municipality.
 15. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
 16. 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.
 17. The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service.
 18. 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 18 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.
 19. Every person who contravenes any provision of this any 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.
 20. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
 21. Notwithstanding Section 19, a Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
 22. The notice of violation shall require the person to pay to the Municipality;
 - a. in a case of an individual, to a fine of \$500.00 for a first offence and \$750.00 for a second offence and \$1,000.00 for each subsequent offence.
 23. The amount specified in clause 22 may be paid:
 - a. in person, during regular office hours, to the Municipality at the Municipal Office, 231 First Ave. S, OR
 - b. by mail addressed to the RM of Leask No. 464, PO Box 190, Leask, SK S0J 1M0.
 24. If payment of the fine as provided in clause 22 is made prior to the due date noted on the notice of violation, the person shall not be liable to prosecution for that offence.
 25. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

SECTION 5. LIMITATION OF PROSECUTION

26. 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.
27. 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.
28. This bylaw shall come into force on final passing thereof.



L. Cantin, Deputy Reeve



Robert Jorgensen, Administrator



Read a third time and adopted
this 8 day
of June, 2016.

NOTICE OF VIOLATION

NAME: _____

ADDRESS: _____

POSTAL CODE: _____

On the _____ day of _____, 20____, at/near _____, Saskatchewan
At _____ a.m./p.m.

Did unlawfully commit the following offence:
("X" indicated offence charged)

DESCRIPTION OF OFFENCE: _____

LOCATION OF OFFENCE: _____

You are charged with violation of Bylaw No. 4-2016
Section(s) _____

Penalty for the above violation:
_____ may be paid voluntarily
_____ may not be paid voluntarily

Designated Officer

NOTICE RESPECTING VOLUNTARY PAYMENT WITHOUT COURT APPEARANCE

Where a penalty for violation exists, you may make voluntary payment of the penalty at the municipal office of the R.M. of Leask No. 464 located at:
231 First Ave. S
Leask, SK S0J 1M0

During regular office hours or by mail (PO Box 190, Leask, SK S0J 1M0) within 14 days from the date of service of this Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and upon summary conviction to the penalties in the General Penalty Bylaw of the Municipality.