

BYLAW 2018-03

A BYLAW FOR THE PURPOSE OF ESTABLISHING PROCESS FOR BANNING FIRES IN THE VILLAGE OF BETHUNE

BEING a bylaw of Village of Bethune in the Province of Saskatchewan, to establish a process for banning fires in the Municipality.

WHEREAS Sections 8 of the Municipalities Act, 2005, provides that Council may pass bylaws for the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE, the Council of Village of Bethune enacts as follows:

1. This Bylaw May be cited as the "Fire Ban Bylaw".
2. The preamble forms a part of this Bylaw.
3. In this Bylaw
 - 3.1 "CAO" shall mean the Chief Administrative Officer / Administrator of the Village of Bethune.
 - 3.2 "Council" shall mean the Council of Village of Bethune.
 - 3.3 "Municipality" shall mean Village of Bethune.
 - 3.4 "Deputy Mayor" shall mean the Deputy Mayor of Village of Bethune Council.
 - 3.5 "Fire Chief" shall mean the Fire Chief of the Bethune and District Volunteer Fire Department.
 - 3.6 "Violation Ticket" shall mean a ticket issued for an offense committed against any provision of this Bylaw.
 - 3.7 "fire" shall mean a state, process, or instance of combustion in which fuel or other materials such as but not limited to; wood; grass; stubble crop; coals; or other flammable materials other than propane or natural gas is ignited and combined with oxygen, giving off light, heat, and flame.
4. Notwithstanding the provision in any other Bylaw the Fire Chief may, upon receiving input from any members of the Council, declare a Fire Ban on burning of any kind with the Municipality. In the absence of the Fire Chief, the CAO, acting on the recommendation of the Council (collectively), may also declare a

Fire Ban within the Municipality. A Fire Ban will not be effective until signed by the Mayor or Deputy Mayor, or in their absence, by two members of Council.

- 4.1 Two types of Fire Bans may be implemented:
 - (a) A Complete Ban — No Fires of any combustible materials; approved cooking appliances (gas) and fire pits (gas) are permitted;
 - (b) A Partial Ban — No fires except for approved cooking appliances; campfires in designated fire sites within campgrounds; or burning barrels not larger than 275 liters (60 gallons) with screening over the fire with openings no larger than 1.3 Centimeters (0.5 inches)
- 4.2 When determining whether to declare a Fire Ban within the Municipality, consideration shall be given to any or all of the following factors:
 - (a) Levels of recent precipitation;
 - (b) Future weather forecasts;
 - (c) Water shortages 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; and
 - (g) Recommendation of Fire Chief responsible for the Municipality.
- 4.3 The Municipality authorizes the Fire Chief or the CAO, in the absence of the Fire Chief, the authority to remove any Fire Ban when conditions warrant.
- 4.4 When a Fire Ban is in effect, any person who contravenes the Fire Ban may be subject to the fines established within this bylaw.
5. Any person who fails to comply with any Fire Ban is guilty of an offense and is liable to a fine of \$500.00 on summary conviction for the first offense; to a fine of \$1,000.00 on summary conviction for a second offense occurring within 12 months of the first offense; to a fine of \$2,000 on summary conviction for a third offense occurring within 12 months of the second offense.
6. Where a Fire Chief, the CAO, or a member of Council has reasonable grounds to believe that a person has committed a breach of any of the provisions of this Bylaw, he or she May have a Peace Officer of the Municipality issue and serve such a person a Violation Ticket.
 - 6.1 Service of such a Violation Ticket shall be sufficient if:
 - (a) Personally served; or

(b) Left for the person at his/her last or most usual place of residence with a person who appears at least 16 years of age or older.

7. Should any section or part of this 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 had not been enacted as part of this Bylaw.
8. Bylaw 2016-03 is hereby repealed.

This bylaw shall come into force and effect on the date of its final adoption.

READ A FIRST TIME this 4TH day of September, 2018.

READ A SECOND TIME this 4TH day of September, 2018.

READ A THIRD TIME UPON THE UNANIMOUS CONSENT OF THE COUNCIL this 4TH day of September, 2018.

Mayor

Administrator

SEAL

Certified a true copy of the original bylaw passed by the unanimous consent of the Council present at their regular meeting held on the 4th day of September 2018.

Administrator