

# **RURAL MUNICIPALITY OF MILTON NO. 292**

## **BYLAW NO. 2020-04**

### **A Bylaw of the Rural Municipality of Milton No. 292 to Provide for Fire and Burning Restrictions within Division 1-6.**

**The Council of the Rural Municipality of Milton No. 292, in the Province of Saskatchewan in Council assembled enacts as follows:**

#### **1. TITLE**

- 1.1. This bylaw shall be referred to as the "Fire and Burning Restriction Bylaw".

#### **2. PURPOSE**

- 2.1 To provide for public safety in times of extreme fire hazard conditions;
- 2.2 To restrict or eliminate the use of fire within the municipality in areas of fire danger;
- 2.3 To attempt to minimize the risk of accidental fire;
- 2.4 To regulate open fires, fireworks and burning of any kind.

#### **3. DEFINITIONS**

- 3.1 "Administrator:" shall mean the Administrator of the Municipality, or in their absence their designate;
- 3.2 "Council" shall mean the Council of the Municipality;
- 3.3 "Designated Officer" shall mean the Administrator, Fire Official, a Peace Officer, and any person appointed to enforce this bylaw;
- 3.4 "Discharge" includes to ignite, fire, or set off and the words "discharging" and "discharged" have a similar meaning;
- 3.5 "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 fireworks 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, waterfall, fountains, 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;

- 3.6 "Municipality" shall mean Division 1-6 in the Rural Municipality of Milton No. 292;

#### **4. FIRE ADVISORY**

- 4.1 Open burning in the municipality is not recommended due to dry conditions. Please use extreme caution when burning or using fireworks and have a plan to extinguish a fire to prevent a wild fire. It is recommended Agriculture and Industrial operations with water tanks at their disposal have them filled and accessible at all times. Use extreme caution when burning or using fireworks and have a plan to extinguish a fire to prevent wild fires.

#### **5. FIRE BAN**

- 5.1 Two types of fire bans may be implemented:
- a) Complete Ban - no fires of any type (no exceptions) or the use of fireworks
  - b) Partial Ban - no open fires or the use of fireworks except for:
    - Approved cooking appliances
    - Campfires in enclosed, covered fire pits of barbeques with at least 100 cm (40 inches) from any grass or combustible material;
    - Burning barrel not larger than 275 litres (60 gallons) with screening over the fire with openings no larger than 1.3 cm (0.5 inches)
- 5.2 A complete fire ban or partial fire ban may be issued by a resolution of Council or jointly by the Reeve and any two members of Council. A fire ban shall be issued in writing and shall identify;
- a) The type of fire ban being issued;
  - b) The time and date the fire ban commences;
  - c) The area and location the fire ban covers;

- d) The time and date the fire ban is lifted, or will be reviewed;
- e) Person or persons authorizing the fire ban;
- f) Other information that may be in the public interest.

- 5.3 No person shall light, or start or allow to cause to be lighted, ignited or started a fire of any kind whatsoever in the open air during a complete fire ban.
- 5.4 No person shall discharge, or start or allow to cause to be discharged, ignited or started any fireworks of any kind whatsoever during a complete or partial fire ban.
- 5.5 A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the Municipality.
- 5.6 No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
- 5.7 The cost for fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service.
- 5.8 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 9 of this bylaw any amount which remains unpaid at the end of the calendar year or thirty (30) days after the person has been invoiced for said services, whichever is earlier.
- 5.9 Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to the General Penalty Bylaw of the Municipality.
- 5.10 A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
- 5.11 The imposition of any penalty for violations of this bylaw shall not relieve the person from complying with this bylaw.

## 6. LIMITATION OF PROSECUTION

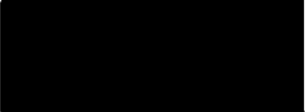
- 6.1 Unless otherwise specifically stated no prosecution for an offence pursuant to this bylaw is to be commenced after two years from the date on which the offence is alleged to have been committed or, in the case of a continuing offence, the last date on which the offence was committed.
- 6.2 If any 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.

## 7. REPEAL

- 7.1 Bylaw 2017-04 is hereby repealed

## 8. COMING INTO FORCE

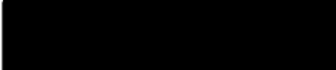
- 8.1 This bylaw shall come into force and take effect on the date of the final passing thereof.

  
Deputy Reeve

  
Administrator



Read a third time and adopted  
this 10 day of June 2020

  
Administrator



This is a true copy of original document which has not been altered in any way.  
\_\_\_\_\_  
Name  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Title  
Signed at Marengo, Saskatchewan on July 17, 2020 Date