

RM of BIG ARM, NO. 251

BYLAW NO. 03/2016 FIRE SERVICES BYLAW

Bylaw No. 03/2016 is a bylaw of the Rural Municipality of Big Arm, No. 251 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 Big Arm, No. 251 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 Prevention Act, 1992*.

AND WHEREAS Council for the Rural Municipality of Big Arm, No. 251 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 Big Arm, No. 251, duly assembled enacts as follows:

SECTION 1. TITLE

1.1 This Bylaw may be cited 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 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) "**Bylaw Enforcement Officer**" means a bylaw enforcement officer appointed by the Municipality pursuant to *The Municipalities Act*;
- (e) "**Controlled Burn**" means a fire that is lit for the purpose of burning organic material including, without limitation, trees or stubble but does not include a Burning Barrel Fire, a Recreational Fire or a Smudge Fire;
- (f) "**Council**" means the municipal council of the Municipality;
- (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 any 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;



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- (k) **“Fire Protection Organizations”** means the organizations that provide Fire Protection Services under contract/agreement with the Municipality;
- (l) **“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;
- (m) **“Incident Command”** means the highest ranking member of the Fire Services Organization who first arrives at the scene of an incident;
- (n) **“Municipality”** means the Rural Municipality of Big Arm, No. 251;
- (o) **“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;
- (p) **“Prohibited Debris”** means any combustible hazardous waste as defined in *The Environmental Management and Protection Act, 2010* and any amendments thereto;
- (q) **“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 and is fueled solely by dry wood, charcoal, natural gas, or propane;
- (r) **“Smudge Fire”** means a fire which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost;
- (s) **“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 requirements 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 protection 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;



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- (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) demolished 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 as designated by the Fire Protection Organizations of the Municipality and denoted on the municipality's website or where ever the municipality deems necessary.
- 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 person supervising the Controlled Burn or the owner or occupant 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 No person shall, at any time of the year, light or cause to be lit an Outdoor Fire or permit any Outdoor Fire on any property less than 1 acre in size unless the fire is a Recreational Fire.
- 6.4 Subject to Section 6.3, a Controlled Burn, Burning Barrel Fire, Recreational Fire or Smudge Fire is permitted provided that:
 - (a) The fire is kept under control and supervised at all times by a responsible adult person until such time that the fire has been completely extinguished.
- 6.5 This Bylaw does not apply to:
 - (a) an Outdoor Fire lit by Fire Protection Organizations for training or preventive 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*.
- 6.6 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.



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- 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. Notice may be in the form of signs posted throughout the Municipality, in locations to be determined by the Municipality, through a public service message on the local radio stations, or by any other means which the Administrator determines is appropriate for the purpose of informing the public of the Fire Ban.
- 7.4 When a Fire Ban is in place, no person shall ignite any fire and shall immediately extinguish any fire lit once the person knows or ought reasonably to know of the Fire Ban.

SECTION 8. FIRE PROTECTION CHARGES

- 8.1 Upon Fire Protection Services being provided on a parcel of land within the Municipality's boundaries, the Fire Protection Organization may invoice the property owner of the parcel of land and if required, the Municipality may, in its sole and absolute discretion, invoice Fire Protection Charges to any or all of the following persons, namely:
- (a) the person or persons causing or contributing to the fire; or
 - (b) the owner or occupant of the parcel of land;
- All persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Municipality.
- 8.2 Fire Protection Charges shall be paid within sixty (60) days of receipt whether issued by the Fire Protection Organization or the municipality.
- 8.3 Collection of unpaid Fire Protection Charges may be undertaken by civil action, in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Municipality is entitled to on the parcel of land in respect of which the indebtedness is incurred.
- 8.4 The Municipality may add to the tax roll of the parcel of land all unpaid Fire Protection Charges in accordance with *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 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 a 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.



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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, or such municipal designate, 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 R.M. of Big Arm, No. 251, located at 200 Atlas Street, Stalwart, SK S0G 4R0 (mailing address: Box 10, Stalwart, SK S0G 4R0), within 14 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 Form "1", attached to the forming part of this Bylaw.

SECTION 14. SEVERABILITY

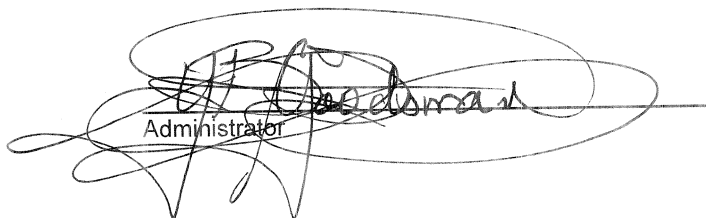
14.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

SECTION 15. EFFECTIVE DATE


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




Reeve


Administrator

I hereby certify that this is a true and exact copy of the original document.

Certified By 
Month Aug Day 9 2016



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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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FORM 1

NOTICE OF VIOLATION

NAME: _____

ADDRESS: _____

POSTAL CODE: _____

On the _____ day of _____, 20____, at/near
_____, Saskatchewan

At _____ a.m./p.m. (Saskatchewan time)

Did unlawfully commit the following offence:
(x indicates offence charged)

- Bylaw No. _____
- Bylaw No. _____
- Bylaw No. _____

DESCRIPTION OF OFFENCE: _____

LOCATION OF OFFENCE: _____

You are charged with violation of Bylaw No. _____
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 Big Arm, No. 251 located at:
200 Atlas Street (Box 10)
Stalwart, SK S0G 4R0

During regular office hours or by mail 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.