

BYLAW NO. 448/2023**A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN**

The Council of the Town of Balgonie, in the Province of Saskatchewan enacts as follows:

A BYLAW of the Town of Balgonie to establish a process for implementing a Fire Advisory or Fire Ban within the Municipality.

WHEREAS Section 8(1)(b) of *The Municipalities Act* provides that Council may pass bylaws for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the Town of Balgonie pursuant to the powers granted to it under *The Municipalities Act*, wishes to provide for the banning of fires within all or any part of the Town of Balgonie for the health, safety and welfare of the people and protection of the people and property from damage or destruction by fire on the terms hereinafter provided:

NOW THEREFORE, the Town of Balgonie enacts as follows:

1. This Bylaw may be sited as the “Fire Ban Bylaw”;
2. The preamble forms part of the Bylaw;
3. In this Bylaw:
 - 3.1 “Administrator” shall mean the Administrator of the Town of Balgonie or in their absence their designate;
 - 3.2 “Council” shall mean the Council of the Town of Balgonie;
 - 3.3 “Municipality” shall mean the Town of Balgonie;
 - 3.4 “Fire Chief” shall mean the Fire Chief of the Town of Balgonie;
 - 3.5 “Community Safety Officer” or “CSO” shall mean the Community Safety Officer of the Town of Balgonie; and
 - 3.6 “Bylaw Violation Ticket” shall mean a ticket issued for an offence committed against any provision of this Bylaw.
4. Notwithstanding the provision in any other Bylaw the Administrator may, upon receiving input from the Fire Chief of the Town of Balgonie, declare a Fire Advisory or Fire Ban to all or any part of the Municipality;
 - 4.1 **Fire Advisory means** – open burning in the Municipality is not recommended due to dry conditions. It is recommended Agricultural and Industrial operations have water tanks filled and at their disposal at all times. Residents will be advised to use extreme caution when burning or using fireworks and have a plan to extinguish a fire and prevent wildfires.
 - 4.2 **Fire Bans** – 2 types:
 - (a) **Partial Ban means** – No fires or fireworks are permitted. Use of Canadian Standards Association (CSA) and Underwriter Laboratories (UL) approved appliances are permitted (Incinerators, Liquid Fuel Barbeques, and Camp Stoves). Burning barrels with screens under constant supervision are permitted. Campfires in approved containers as per Schedule A are permitted.
 - (b) **Complete Ban means** – No open burning, fireworks, burning barrels or fire pits/campfires. Use of CSA and UL approved appliances are permitted (Incinerators, Liquid Fuel Barbeques, and Camp Stoves).

4.3 A fire ban shall be issued in writing and shall identify:

- (a) The time and date that the fire ban commences;
- (b) The type of fire ban and the land location(s) or part of the Municipality 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.

4.4 When a fire ban is declared, the Municipality may notify the public in any manner it deems appropriate, including registering it with the Saskatchewan Public Safety Agency's Provincial Emergency Communication Centre.

5. When determining whether to declare a Fire Advisory or Fire Ban within the Town of Balgonie, consideration shall be given to any or all of the following factors:

- (a) Levels of recent precipitation;
- (b) Future weather forecast;
- (c) Water shortages and/or other restrictions;
- (d) Availability of fire crews, equipment and apparatus;
- (e) The overall fire danger including fire load and levels of ground fuels;
- (f) The amount of or increase in recent outside fires;
- (g) Recommendation of the Fire Chief(s); and
- (h) Government of Saskatchewan's Daily Fire Danger Map.

6. Where there are reasonable grounds to support that a person has contravened any provision of this Bylaw, a Bylaw Violation Ticket (Schedule C) shall be served:

6.1 Service of such a Bylaw Violation Ticket shall be sufficient if:

- (a) Personally served; or
- (b) Mailing by Registered Mail.

6.2 Such notice shall be deemed to have been served:

- (a) On the day of actual delivery, if the notice is served personally; or
- (b) 10 business days after mailing unless the delivery receipt is an earlier date of which that date would be deemed the date of service.

6.3 Any person contravening any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine of:

- (a) \$300 plus applicable surcharge for the first offence;
- (b) \$500 plus applicable surcharge for the second offence occurring within 12 months of the first offence;
- (c) \$1,000 plus applicable surcharge for a third offence occurring within 12 months of the second offence.

6.4 A person who has been served with a Bylaw Violation Ticket and who wishes to plead guilty may deliver the amount equal to 50% of the penalty amount to the Town of Balgonie within 14 days of the date specified on the Bylaw Violation Ticket; and upon receipt of the 50% payment in accordance with the Bylaw Violation Ticket, the penalty shall be paid in full.

6.5 The imposition of any penalty for violation of this Bylaw shall not relieve the person from complying with this Bylaw.

6.6 Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Ticket has been issued pursuant to this section may exercise his or her right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

7. No person shall start or allow a fire of any kind whatsoever in the open air during a fire ban.
- 7.1 The Administrator, Community Safety Officer or Fire Chief may order any fire to be extinguished during any period for which a fire ban is in effect within the Municipality.
- 7.2 No person shall fail to immediately comply with an order to extinguish a fire by the Administrator, Community Safety Officer or Fire Chief.
- 7.3 The Administrator, Community Safety Officer or Fire Chief may cause a fire to be extinguished during any period for which a fire ban is in effect within the Municipality.
- 7.4 The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service.
- 7.5 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 6 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.
8. The amount specified in Clause 6.3(a-c) may be paid:
- (a) In person, during regular office hours, to the Town of Balgonie, D-129 S Railway Street, Balgonie, Saskatchewan; or
 - (b) By mail addressed to the Town of Balgonie, PO Box 310, Balgonie, Saskatchewan, S0G 0E0.
 - (c) If another form of payment is required, the person who contravened this Bylaw may call the Town Office to make alternate payment arrangements.
9. Should any section or part of the 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 a severance shall be effective and enforceable as if the section or part found to be improperly enacted has not been enacted as part of the Bylaw.
10. This Bylaw shall come into force and effect upon the third reading.

Introduced and read a first time this 26th day of June, 2023.
 Read a second time this 10th day of July, 2023.
 Read a third time and passed this 10th day of July, 2023.



Signed by:

Lain Lovelace, Mayor

Karen Craigie, Administrator

SCHEDULE A**BYLAW NO. 448/2023****A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN**

Solid Fuel Barbeques and Recreational Campfires are permitted under certain provisions of the Fire Ban Bylaw, providing:

1. Fires must be under constant supervision by an adult;
2. Enclosed fire pits or barbeques must be covered with metal screen having openings no greater than ½" and must cover the entire opening. Logs or other fuel sources must be fully contained within the enclosure. Embers and ash must be prevented from escaping the enclosure;
3. The fire pit/barbeque must be a distance of at least 20" from any grass and 10' from any combustible structure or item;
4. Be prepared and have a plan to extinguish a fire should it escape from the fire pit/barbeque;
5. Fires and embers must be extinguished completely when not under constant supervision;
6. Absolutely no burning in wind speeds above 10 km/hour.

SCHEDULE B

BYLAW NO. 448/2023

A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN

In accordance with Bylaw No. 448/2023 of the Town of Balgonie:

Notice is hereby given that effective 12 o'clock midnight, _____ and
(Day/Month/Year)
until further notice a _____ (see description below for details) will be in
(Insert Fire Advisory or Fire Ban)
effect for the entire Town of Balgonie.

Any person contravening this Fire Advisory/Fire Ban will be served with a Bylaw Violation Ticket and subject to a Voluntary Payment in accordance with Section 6 of Bylaw No. 448/2023.

Any person who fails to pay the Voluntary Payment within 14 days of service shall be subject to a fine in accordance with Section 6 of Bylaw No. 448/2023.

FIRE ADVISORY – Open burning in the Municipality is not recommended due to dry conditions. It is recommended Agricultural and Industrial operations have water tanks filled and at their disposal at all times. Residents will be advised to use extreme caution when burning or using fireworks and have a plan to extinguish a fire and prevent wildfires.

FIRE BANS – PARTIAL BAN – No fires or fireworks are permitted. Use of Canadian Standards Association (CSA) and Underwriter Laboratories (UL) approved appliances are permitted (Incinerators, Liquid Fuel Barbeques, and Camp Stoves). Burning barrels with screens under constant supervision are permitted. Campfires in approved containers as per Schedule A are permitted.

FIRE BANS – COMPLETE – No open burning, fireworks, burning barrels or fire pits/campfires. Use of CSA and UL approved appliances are permitted (Incinerators, Liquid Fuel Barbeques, and Camp Stoves).

Dated at _____, Saskatchewan this ____ day of _____, 20 ____.

Fire Chief

Administrator

SCHEDULE C**BYLAW NO. 448/2023****A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN**

TOWN OF BALGONIE
Bylaw Violation Ticket

Name:	
Address:	

This official notice is issued for alleged breach of the following Bylaw:

Bylaw No.:	448/2023
Section #:	
Offence:	
Penalty Amount:	\$
Voluntary Payment:	\$

Detailed of Alleged Breach of Violation:

- Date and time of violation;
- Location of violation;
- Other particulars – description of violation.

Penalty:

Take notice that you may remit a voluntary payment to the Town of Balgonie in the amount stipulated above to avoid prosecution for this offence and fine of a greater amount.

Payment may be made in person at the Town Office (D-129 S. Railway Street, Balgonie) or by mail to Town of Balgonie, PO Box 310, Balgonie, SK S0G 0E0.

If the voluntary payment indicated above is not received within 14 days of this notice, a summons requiring your appearance in Provincial Court will be issued.

Issued this ____ day of _____, 20____.

Signature of CSO or Administrator