

**RURAL MUNICIPALITY OF KINISTINO NO. 459  
BYLAW NO. 2023-04**

**A BYLAW TO ENACT A FIRE ADVISORY OR FIRE BAN**

The Council of the Rural Municipality of Kinistino No. 459, in the Province of Saskatchewan, enacts as follows:

**A BYLAW** of the RM of Kinistino No. 459 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 RM of Kinistino No. 459 pursuant to the power granted to it under *The Municipality Act*, wishes to provide for the banning of fires within all or any part of the RM of Kinistino No, 459 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 RM of Kinistino No. 459 enacts as follows:

1. This Bylaw may be cited 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 RM of Kinistino No. 459
  - 3.2 “Council” shall mean the Council of the RM of Kinistino No. 459
  - 3.3 “Municipality” shall mean the RM of Kinistino No.459
  - 3.4 “Reeve” shall mean the Reeve of the RM of Kinistino No. 459
  - 3.5 “Fire Chief” shall mean Chief of either the Melfort Rural Fire Department or the Kinistino Fire Department; the Chief of any contracted fire department.
  - 3.6 “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 Council or Fire Protection Committee may, upon receiving input from the Fire Chief of the Melfort Rural Fire Departemnt or Kinistino Fire Department declare a Fire Advisory or Fire ban to all or any part of the Municipality.

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- 4.1 **Fire Advisory means** – Open burning in the Municipality is not recommend due to dry conditions. It is recommended Agricultural and Industrial operations have water tanks filled and at their disposal at all times. Ratepayers 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 Underwrite Laboratories (UL) approved applicants are permitted (Incinerators, Liquid Fuel Barbecues, Camp Stoves). BBQs/fire pits, and burning barrels are allowed with complete supervision and must be completely extinguished.
- (b) **Complete Ban means** – No Agricultural or commercial burning, open burning, fireworks, burning barrels or fire pits/campfires are permitted. Use of CSA and UL approved appliances are permitted (Incinerators, liquid fuel Barbecues, 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 Agency's Provincial Emergency Communication Centre.
5. When determining whether to declare a Fire Advisory or Fire Ban within all or any part of the RM of Kinistino No. 459, consideration shall be given to any or all the following factors:
- (a) Levels of recent precipitation;
- (b) Future weather forecasts;
- (c) Water shortages and/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;
- (g) The wildfire hazard rating for the Rural Municipality (ported on the Saskatchewan Public Safety Agency website); and
- (h) Recommendation of the Fire Chief(s)

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6. Once a fire ban is implemented, if a fire is burning, the Municipality may, subject to the availability of personal and equipment, take any action that is necessary to control and extinguish the fire.
  - 6.1 The cost of the firefighting services, including fire prevention and fire suppression, provide by the nearest Fire Department, shall be assessed and levied in accordance with the Fire Department rates.
  - 6.2 For the purpose of assessing and levying costs of firefighting services, the person who owns or occupies the land upon which a fire originated shall be deemed to be the person who receives the firefighting services to control and extinguish the fires.
  - 6.3 Any amount with respect to firefighting services provided to a person within the Rural Municipality pursuant to Section 6 hereof that remains unpaid at the end of the year in which the services was provided shall be added to and form part of the taxes on any land or improvement owned by the person.
  
7. Where the Fire Chief(s), the Administrator, member of Council or Bylaw Enforcement officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon such person a Bylaw Violation Notice as provided by this section.
  - 7.1 Service of such a Bylaw Violation Notice shall be sufficient if:
    - (a) Personally served;
    - (b) Mailing by registered mail; or
    - (c) Leaving same at the last known address of the person in the violation.
  
  - 7.2 Such notice shall be deemed to have been served:
    - (a) On the day of the actual delivery, if the notice is served personally;
    - (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; or
    - (c) The next business day after delivering to the last known address.
  
  - 7.3 A Bylaw Violation Notice shall be in such form as determine in Schedule C and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Clause 7.3 (a-c) the will be accepted by the Municipality in lieu of prosecution.
    - (a) \$1,000 for the first offense;
    - (b) \$2,000 for the second offense occurring within 12 months of the first offence;
    - (c) \$3,000 for a third offense occurring within 12 months of the second offense.
  
  - 7.4 Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issued thereof, together with the payment of the fees as provided in Clause 7.3(a-c) to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
  
  - 7.5 Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his or he right to defend any charge of committing a contravention of any of the provision of this Bylaw.
  
8. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than:

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- 8.1 \$4,000 for the first offence;  
8.2 \$4,000 for a second offence occurring within 12 months of the first offence;  
8.3 \$6,000 for a third offence occurring within 12 months of the second offence.
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 severance shall be effective and enforceable as if the section or part found to be improperly enacted has not been enacted as part of this Bylaw.
10. This Bylaw shall come into force and effect on the final day of passing thereof.

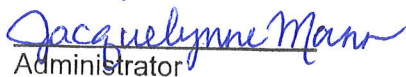
Introduced and read a FIRST time this 14<sup>th</sup> of July, 2023.  
Read a SECOND time this 14<sup>th</sup> day of July, 2023.  
Read a THIRD time and passed this 14<sup>th</sup> day of July, 2023.



  
REEVE

  
ADMINISTRATOR

Certified a true, original and correct copy of Bylaw 2023-04 adopted by Resolution of Council on the 12<sup>th</sup> day of July, 2023.

  
Administrator

