

RURAL MUNICIPALITY OF SPIRITWOOD NO. 496
BYLAW NO. 6-2018
A BYLAW TO ESTABLISH AND MANAGE FIRE SUPPRESSION SERVICES

Bylaw No. 6-2018 is a bylaw of the Rural Municipality of Spiritwood No. 496 in the Province of Saskatchewan for the purpose of establishing and managing the municipality's fire protection services, and the recovery of fire protection charges.

WHEREAS *The Municipalities Act*, provides that a council of a municipality may pass bylaws for municipal purpose 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 expense incurred by the municipality for extinguishing fires;

AND WHEREAS Council for the Rural Municipality of Spiritwood No. 496 wishes to provide Fire Protection Services within the Municipality through Fire Protection Organization 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 Spiritwood No. 496 wishes to provide for the prevention, regulation and control of the lighting of fires within the Municipality;

NOW THEREFORE Council for the Rural Municipality of Spiritwood No. 496 duly assembled, enacts as follows:

1. TITLE

- 1.1 This Bylaw shall be referred to as the "Fire Services Bylaw".

2. DEFINITIONS

- 2.1 In this Bylaw:

- a) "Administrator" shall mean the administrator of the municipality, or in their absence their 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) "Control 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;
- e) "Council" shall mean the council of the municipality.
- f) "Designated Officer" shall mean the Administrator, a Bylaw Enforcement Officer, RCMP, Ministry of Environment official, Fire Chief and any person appointed to enforce this bylaw.
- g) "Discharge" includes to ignite, fire, set off and the words "discharging" and "discharged" have a similar meaning.
- h) "Equipment" means any tool, devices, materials or supplies used by or for Fire Protection Services to respond to an Incident.
- i) "Fire Ban" means an order issued under The Wildfire Act, or an order issued pursuant to Bylaw No. 10-2016, prohibiting the lighting of, and requiring the extinguishment of all fires within the Municipality
- j) "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;
- k) "Fire Protection Charges" means all costs or charges incurred for Fire Protection Services as per current fire services agreements entered into by the Municipality with Fire Protection Organizations;
- l) "Fire Protection Organizations" means the Organizations that provide Fire Protection Services for the Municipality;

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- m) "Fireworks" means any article defined as a firework pursuant to The Canada Explosives Act or pin wheels, Roman candles, volcanoes and sparklers and rockets, serpents, any Regulations thereto, shall also include Low Hazard Fireworks and High Hazard Fireworks and Manufactured Fireworks and include fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, 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.
- n) "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;
- o) "Incident Command" means the highest ranking member of the Fire Services Organization who first arrives at the scene of an Incident;
- p) "Municipality" shall mean the Rural Municipality of Spiritwood No. 496.
- q) "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 Recreation Fire and a Smudge Fire;
- r) "Prohibited Debris" means any combustible hazardous waste as defined in The Environmental Management and Protection Act, 2010 and any amendments thereto;
- s) "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;
- t) "Reeve" shall mean the person elected as Reeve to the municipality, or in their absence the Deputy Reeve;
- u) "Smudge Fire" means a fire which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost;

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 fire 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.

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 man power 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 protecting 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;

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- b) Establish boundaries or limits and keep persons from entering into the area within the prescribed boundaries or limits unless authorized;
- c) Request a Designated Officer to enforce restrictions on persons entering within the boundaries of the Municipality;
- d) Cause a building, structure, or thing to be pulled down, demolished, or otherwise removed;
- e) Request manpower and equipment from the Municipality 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 in guarding and securing the same; and
 - iii) Demolishing a building or structure at or near the fire or other incident.

5. CONTROL 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 Provincial Controlled Burn Hotline by calling 1-888-404-4911.
- 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 is under control, the person supervising the controlled burn or the owner or occupant of the parcel of land shall be responsible for the fire protection charges and Section 8 of this bylaw shall apply.

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 one 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 owner(s) or occupants(s) of the parcel of land shall be responsible for fire protection charges and Section 8 of this bylaw shall apply.

7. FIRE BAN

- 7.1 A Fire Ban imposed pursuant to Bylaw No. 10-2016 of the RM of Spiritwood No. 496 shall remain in force until either the date provided in the notice of Fire Ban or until such time as the Administrator provides notice to the public that the Fire Ban is no longer in effect.

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- 7.2 When a fire ban is in place, no person shall ignite any fire and shall immediately extinguish any fire lit once the person is advised of the Fire Ban.

8. FIRE PROTECTION CHARGES

- 8.1 Upon fire protection services being provided on a parcel of land within the municipalities governing jurisdiction, the Municipality may, in its sole and absolute discretion, invoice fire protection charges to any or all of the following persons;
- a) The person or persons causing or contributing to the fire;
 - b) The owner or occupant of the parcel of land where the fire is occurring;
 - c) The person or persons who receive the benefit of fire protection services.
- 8.2 All persons charged are jointly and severally liable to the Municipality, for payment of the fire protection charges.
- 8.3 The Council, in accordance with section 369 of The Municipalities Act, may authorize the Administrator to add to the taxes of any property owned, by the person referenced in Section 8 of this Bylaw any amount which remains unpaid at the end of the calendar year.

9. EFFECTIVE DATE

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

Shirley Dauvin

Reeve

(Sealed)

Colette Bussiere

Administrator

Read a third time the 11th day of December, 2018.