

TOWN OF EATONIA

BYLAW NO. 3/18

A BYLW TO PROVIDE FOR FIRE AND BURNING RESTRICTIONS

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

1. Title:

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

2. Purpose:

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

PART 1 – DEFINITIONS

3. Definitions:

- (a) "Administrator:" shall mean the Administrator of the Municipality, or in their absence their designate.
- (b) "Council" shall mean the Council of the Municipality.
- (c) "Designated Officer" shall mean any member of Council, the Administrator, Fire Chief, Bylaw Enforcement Officer, a Peace Officer, and any person appointed to enforce this bylaw.
- (d) "Discharge" includes to ignite, fire, or set off and the words "discharging" and discharged" have a similar meaning.
- (e) "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.
- (f) "Municipality" shall mean the Town of Eatonia.
- (g) "Mayor" shall mean the person elected as Mayor to the Municipality, or in their absence the Deputy Mayor.
- (h) "Tandem" shall mean two.

PART 2 – GENERAL REQUIREMENTS

4. No person shall be permitted to burn household garbage, dead leaves or any other waste material within the Town of Eatonia boundaries.

5. No person under eighteen (18) years of age shall discharge any fireworks within the Municipality except under the direct supervision of a parent, guardian or other responsible adult.

6. No parent or guardian of a child under eighteen (18) years of age shall permit the child to discharge any fireworks, except when under the direct supervision of the parent or guardian.

PART 3 – FIRE BAN

7. A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by any two officials of the Municipality identified in Section 8. A fire ban shall be issued in writing and shall identify;

- (a) The time and date the fire ban commences;
- (b) The area and location 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) Other information that may be in the public interest.

8. Pursuant to Section 7 the Municipal Officials so authorized, in any tandem, to issue a fire ban are the Mayor, Deputy Mayor, Fire Chief, or any member of council.

9. 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 fire ban.

10. No person shall discharge, or start or allow to cause to be discharged, ignited or started any fireworks of any kind whatsoever during a fire ban.


11. A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the Municipality.

12. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
13. The cost for fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service.
14. 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 15 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.
15. 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.
16. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
17. The imposition of any penalty for violations of this bylaw shall not relieve the person from complying with this bylaw.

PART 4 – LIMITATION OF PROSECUTION

18. 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.
19. 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.
20. This bylaw shall come into force and take effect on the 12th day of June 2018.





 Mayor



 Administrator

Certified a true copy of Bylaw No. 3/18
 adopted by resolution of Council on the
 12th day of June 2018.



 Administrator

