

TOWN OF LUSELAND

**BYLAW NO. 2019-02**

**A BYLAW RESPECTING FIRE RESTRICTION**

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

**TITLE**

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

**PURPOSE**

To provide for public 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 I – DEFINITIONS**

1. "Administrator" shall mean the administrator of the municipality, or in their absence their designate.
2. "Council" shall mean the elected Council of the Municipality.
3. "Designated Officer" shall mean the Mayor and any two councillors.
4. "Enforcement and Protective Services" means the municipal department responsible for delivery of services and the Luseland Police Service within its jurisdictional area.
5. "Municipality" shall mean the Town of Luseland.

**PART II – FIRE BAN**

6. A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by any three officials of the Municipality identified in Section 8. A fire ban shall be issued in writing and shall identify:
  - 7.1 The time and date that the fire ban commences;
  - 7.2 The portion of the Town of Luseland covered by the ban;
  - 7.3 The time and date the fire ban is lifted, or will be reviewed;
  - 7.4 Person or persons authorizing the fire ban;
  - 7.5 Authority allowing the fire ban;
  - 7.6 Other information that may be in the public interest.
7. Pursuant to Section 10 the municipal officials so authorized to issue a fire ban are the Mayor and any two councillors.

8. No person shall light, or start or allow or cause to be lighted, ignited, or started a fire of any kind whatsoever in the open air during a fire ban. Covered barbeques and camp stoves are permitted.
9. A Designated Officer or Luseland Police Service member may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the Municipality.
10. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer or Luseland Police Service member.
11. A Designated Officer or Luseland Police Service member may cause a fire to be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
12. The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service.
13. 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 16 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.
14. Every person who contravenes any provision of this or any bylaw is guilty of an offence and liable on summary conviction to:
  - 15.1 In the case of a first offence, to a fine less than \$500.00 and not more than \$10,000.00;
  - 15.2 In the case of a second offence to a fine not less than \$750.00 and not more than 10,000.00;
  - 15.3 In the case of a third or subsequent offence to a fine of not less than \$1,000.00 and not more than \$10,000.00, to imprisonment for not more than one year or to both.
15. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
16. Notwithstanding Section 15, a Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
17. The notice of violation shall require the person to pay the Municipality:
  - 18.1 In a case of an individual, a fine of \$300.00 for a first offence and \$450.00 for a second offence and \$1,000.00 for each subsequent offence.
18. The amount specified in Clause 18.1 may be paid:
  - 19.1 In person, during regular office hours, to the Municipality at the Municipal Office, 503 Grand Ave, Luseland, Saskatchewan
  - 19.2 By mail addressed to the Town of Luseland, PO Box 130 Luseland, Saskatchewan
19. If payment of the fine provided in Clause 18.1 is made prior to the due date noted on the notice of violation, the person shall not be liable to prosecution of that offence.

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

**Limitation of Prosecution**

21. 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.
22. 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.
23. This bylaw shall come into force on final passing thereof.




  
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Mayor

  
\_\_\_\_\_  
Administrator

*Read a third time  
& adopted  
this 10<sup>th</sup> day of June 2019*

*K. Richardson  
Administrator*

CERTIFIED A TRUE COPY

  
\_\_\_\_\_  
Administrator