

Rural Municipality of Mankota #45

Bylaw No. 05-2020

A BYLAW TO REGULATE FIRE SERVICES

The Council of the Rural Municipality of Mankota No. 45 enacts as follows:

SECTION 1, TITLE

1.1 This Bylaw may be cited as the “Fire Services Bylaw”.

SECTION 2, DEFINITIONS

2.1 In this Bylaw:

- a) “**Administrator**” means the chief administrative officer of the municipality;
- b) “**Controlled 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, or a Recreational Fire;
- c) “**Council**” means the council of the Municipality;
- d) “**Fire Ban**” means an order issued under *The Wildfire Act*, or an order issued pursuant to this Bylaw prohibiting the lighting of, and requiring the extinguishment of all fires within the Municipality;
- e) “**Municipality**” means the Rural Municipality of Mankota No. 45;
- f) “**Municipal Officials**” for the purpose of issuing a fire ban shall mean Reeve, Deputy-Reeve, Administrator and Councilor’s.
- g) “**Recreation Fire**” means a fire contained 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;
- h) “**Reeve**” means the Reeve of the Municipality;

SECTION 3, CONTROLLED BURN

3.1 Controlled Burn, Burning Barrel Fire or Recreational 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.

3.2 This Bylaw does not apply to:

- a) an Outdoor Fire lit by Fire Department for training or preventative control purposes;
- b) an Outdoor Fire prescribed by regulations under *The Wildfire Act*, or
- c) a fire contained to an incinerator regulated under *The Environmental Management and Protection Act, 2010*.

3.3 In the event there is a failure to control an Outdoor Fire and Fire Protection Services are provided to the fire area, the owners or occupants of the parcel of land shall be responsible for Fire Protection Charges and Section 5 of this Bylaw shall apply.

SECTION 4, FIRE BAN

- 4.1 If determined by council the prevailing environmental conditions could give rise to an increased risk of a fire running out of control, council may by resolution issue a fire ban which prohibits all Outdoor Fires in the Municipality.
- 4.2 A Fire Ban imposed pursuant to Section 4.1 of this Bylaw, shall remain in force until either the expiry date provided in the notice of the Fire Ban or until such time as the Administrator provides notice to the public that the Fire Ban is no longer in effect.
- 4.3 Notice of a Fire Ban shall be provided to the public. Notice may be in the form of signs posted throughout the Municipality, in locations to be determined by the Municipality, through public service message on the local radio stations, or by any other means which the Administrator determines is appropriate for the purpose of informing the public of the Fire Ban.
- 4.4 When a Fire Ban is in place, no person shall ignite any Controlled Burns and shall immediately extinguish any Controlled Burns lit once the person knows or ought reasonably to know of the Fire Ban.

SECTION 5, FIRE PROTECTION CHARGES

- 5.1 Upon Fire Protection Services being provided on a parcel of land within the Municipality's boundaries, the Municipality may, in its sole and absolute discretion, invoice Fire Protection Charges to any or all of the following persons, namely;
 - a) the owner or occupant of the parcel of land;All persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Municipality.
- 5.2 Fire Protection Charges shall be paid within sixty (60) days of receipt of the invoice.
- 5.3 The Administrator shall as per Section 369(1)(d) of *The Municipalities Act* add to the taxes of any property owned, occupied or inhabited by the person referred to in 5.1 of this Bylaw any amount that remains unpaid at the end of the calendar year.

SECTION 6, OFFENCES

- 6.1 No person shall:
 - a) Contravene any provisions of this Bylaw.
- 6.2 Any person who contravenes any provision of this Bylaw is guilty of an Offence and liable on summary conviction to a fine of not more than:
 - a) \$2,000.00 in the case of an individual
 - b) \$3,000.00 in the case of a corporation;
 - c) \$500.00 per day in the case of a continuing offence.

SECTION 7, SEVERABILITY

- 7.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

SECTION 8, EFFECTIVE DATE

8.1 This Bylaw shall come into force and effect upon third and final reading.



Cal Seal
Reeve

Roxanne Brisebais
Administrator-in-Training

Read a first time on August 11, 2020

Read a second time on August 11, 2020

Read a third time and adopted on August 11, 2020

Roxanne Brisebais
Administrator-in-Training