

RESORT VILLAGE OF PASQUA LAKE

BYLAW NO. 11-2024

A BYLAW TO ENACT A FIRE BAN

The Council of the Resort Village of Pasqua Lake in the Province of Saskatchewan enacts as follows:

A BYLAW of the Resort Village of Pasqua Lake to establish a process for implementing a 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 Resort Village of Pasqua Lake pursuant to the powers granted to it under *The Municipalities Act*, wishes to provide for the banning of fires within all or any part of the Resort Village of Pasqua Lake 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 Resort Village of Pasqua Lake 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:
 - (1) “Chief Administrative Officer” shall mean the Chief Administrative Officer of the Resort Village of Pasqua Lake;
 - (2) “Council” shall mean the Council of the Resort Village of Pasqua Lake;
 - (3) “Municipality” shall mean the Resort Village of Pasqua Lake;
 - (4) “Mayor” shall mean the Mayor of the Resort Village of Pasqua Lake;
 - (5) “Fire Chief” shall mean the Fort Qu’Appelle Fire Department Chief;
 - (6) “Violation Ticket” shall mean a ticket issued for an offense committed against any provision of this Bylaw.
 - (7) “Designated Officer” shall mean the Fort Qu’Appelle Fire Chief, Chief Administrative Officer, members of Council and/or Bylaw Enforcement Officer.

4. Notwithstanding the provision in any other Bylaw, the Council may, upon receiving input from the Fire Chief of Fort Qu'Appelle Fire Department, declare a fire ban to all or any part of the Municipality.
 - (1) Fire ban means:
 - a) Open fires, open burning, burning barrels, fire pits, or campfires are not permitted;
 - b) Fireworks are not permitted;
 - c) Use of Canadian Standards Association (CSA) and Underwriter Laboratories (UL) approved appliances are permitted (incinerators, liquid fuel barbecues, camp stoves).
 - (2) A fire ban shall be issued in writing and shall identify:
 - (a) The time and date that the fire ban commences;
 - (b) The land location(s) or part of the Municipality the covered by the fire ban;
 - (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.
 - (3) 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 Safety Agency's Provincial Emergency Communication Centre.
5. When determining whether to declare a fire ban within all or any part of the Resort Village of Pasqua Lake, consideration shall be given to any or all of 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 Municipality as posted on the Saskatchewan Public Safety Agency website; and
 - (h) Recommendations from the Fire Chief.
6. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
7. When a fire ban is implemented and a fire is burning contrary to the ban, the Municipality may, subject to the availability of personnel and equipment, take any action that is necessary to control and extinguish the fire or infraction.
 - (1) The cost of the firefighting services, including fire prevention and suppression, provided by the nearest Fire Department, shall be assessed and levied in accordance with the Fire Department's rates.
 - (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.

- (3) Any amount with respect to firefighting services provided to a person within the Municipality pursuant to Section 7 hereof that remains unpaid at the end of the year in which the service was provided shall be, pursuant to *The Municipalities Act Section 369*, added to and form part of the taxes on any land or improvement owned by that person.
8. Where the Fire Chief, Chief Administrative Officer, members of Council or Bylaw Enforcement Officer have reasonable grounds to believe that a person has contravened any provision of this Bylaw, any of the above may serve upon such person a Bylaw Notice of Violation as provided by this section.
 - (1) Service of such a Bylaw Notice of Violation 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.
 - (2) Such notice shall be deemed to have been served:
 - (a) On the day of 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 mailing address on the tax roll.
 - (3) A Bylaw Notice of Violation shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Clause 8.3 (a-c) that will be accepted by the Municipality in lieu of prosecution.
 - (a) \$500 for the first offense;
 - (b) \$750 for a second offense occurring within 24 hours of the first offense;
 - (c) \$1000 for a third offense occurring within 48 hours of the second offense.
 - (4) Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in Clause 8.3 (a-c) to the Chief Administrative Officer of the Municipality, the person to whom the violation was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
 - (5) Notwithstanding the provisions of this section, a person to whom a Bylaw Notice of Violation has been issued pursuant to this section may exercise his or her right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
 - (6) No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
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 the Bylaw.

10. This Bylaw shall come into force upon adoption.

original signed by _____
Mayor Larry Bedel

original signed by _____
CAO Caroline MacMurphy

Read a first time this 18th day of June, 2024
Read a second time this 22nd day of July, 2024
Read a third time and adopted this 22nd day of July, 2024.

original signed by _____
Chief Administrative Officer