

THE RESORT VILLAGE OF CHITEK LAKE

BYLAW NO. 119/2016

A BYLAW OF THE RESORT VILLAGE OF CHITEK LAKE REGARDING FIRE RESTRICTIONS DURING A FIRE BAN

The Council and the Chief Administrative Officer of The Resort Village of Chitek Lake in the Province of Saskatchewan enacts as follows:

TITLE

This bylaw shall be here on in referred to as the "Fire Restriction and Open Air Fire Bylaw"

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 during a fire ban;
- To construct a protocol for fire protective services during an imposed fire ban

PART I - DEFINITIONS

1. 'Chief Administrative Officer' shall mean the administrator of the municipality, or in their absence, their designate;
2. "Council" shall mean the council of the Resort Village of Chitek Lake;
3. 'Designated Officer' shall mean the Chief Administrative Officer, a Bylaw Enforcement Officer, and any person appointed to enforce this bylaw;
4. 'Discharge' includes to ignite, fire, or set off and the words "discharging" and "discharged" are interchangeable;
5. 'Open Air Fire' means any fire intentionally lit on private property for the enjoyment of the property residents;
6. "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: firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers and rockets, serpents, shells bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombards, 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 or a grain of explosive per cap.

7. 'Municipality' shall mean the Resort Village of Chitek Lake
8. 'Mayor' shall mean the person elected as Mayor to the municipality or, in their absence, the Deputy Mayor.

PART II - FIRE BAN

9. A fire ban prohibiting open air fire of any kind may be issued or revoked by a resolution of Council or jointly by any two officials of the Municipality identified in Part II, Section 10.

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) the fire ban covers
- c. The time and date the fire ban is lifted, or will be reviewed;
- d. The person or persons authorizing the fire ban;
- e. Authority allowing the fire ban;
- f. Other information that may be in the public interest.

A fire ban may be revoked once conditions are no longer conducive to extreme fire conditions or hazard or when the purpose for which the fire ban was imposed no longer exists.

10. Pursuant to section 9, the municipal officials so authorized, in any tandem, to issue or revoke a fire ban are the Chief Administrative Officer, Mayor, Deputy Mayor.
11. 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.
12. No person shall discharge, or start or allow or cause to be discharged, ignited or started any fireworks of any kind whatsoever during a fire ban.
13. A Designated Officer may order any fire be extinguished forthwith during any period for which a Fire ban is in effect within the municipality.
14. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
15. The cost of fire prevention, suppression and emergency response services shall be charged directly to the person(s) who receive the service in accordance with the fees charged by the Resort Village of Chitek Lake.
16. The Chief Administrative Officer 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 17 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.
17. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on Summary conviction to:
 - a. In the case of a first offence, to a fine not less than \$500 and not more than \$10,000;
 - b. In the case of a second offence to a fine not less than \$750 and not more than \$10,000;
 - c. In the case of a third or subsequent offence to a fine of not less than \$1,000 and not more than \$10,000, or providing for imprisonment for not more than one year, or both.

18. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
19. Notwithstanding Section 17, a Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
20. The notice of violation shall require the person to pay to the Municipality;
 - a. In a case of an individual, to a fine of \$300.00 for the first offence and \$450.00 for a second offence.
21. The amount specified in clause 20 may be paid:
 - a. in person, during regular office hours, to the Municipality, at the Resort Village Office, 219 Pine Street, Chitek Lake, Saskatchewan SOJ OLO OR
 - b. by mail, addressed to the Resort Village of Chitek Lake, P.O. Box 70 Chitek Lake, SK SOJ OLO
22. If payment of the fine as provided in clause 20 is made prior to 15 days from the day the person in violation received the notice of violation, the person shall not be liable to prosecution for that offence.
23. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.
24. Unless otherwise stated, no prosecution for an offence 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.
25. 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.
26. This bylaw shall come into force on the final passing thereof.



A black ink signature consisting of several overlapping loops and a long horizontal stroke extending to the right.

MAYOR

A blue ink signature consisting of a large, stylized initial 'C' followed by a horizontal stroke.

CHIEF ADMINISTRATIVE OFFICER

Certified to be a true and accurate
Copy of Bylaw 117/2016 which was
adopted by Council of the Resort
Village of Chitek Lake on July 21st,
2016.

A blue ink signature consisting of a large, stylized initial 'C' followed by a horizontal stroke.

Chief Administrative Officer