

FIRE PROTECTION MANAGEMENT

RURAL MUNICIPALITY OF McKILLOP NO. 220

BYLAW NO. 318/2016

A BYLAW TO ESTABLISH AND MANAGE FIRE SUPPRESSION SERVICES

WHEREAS Section 8 of *The Municipalities Act* provides that a Council of a Municipality may pass bylaws for municipal purposes respecting the following matters:

- a) The safety, health and welfare of people and the protection of people and property;
- b) Services provided by or on behalf of the Municipality; and
- c) For the enforcement of bylaws;

AND WHEREAS Section 369 of *The Municipalities Act* provides that all unpaid amounts relating to fire services may be added to the tax roll for the parcel of land to which the services pertain;

AND WHEREAS the Council of the Rural Municipality of McKillop No. 220 wishes to provide fire protection services within the Municipality through fire protection agreements and provide for the efficient operation of such services as required by *The Wildfire Act* and *The Fire Safety Act*;

AND WHEREAS the Council of the Rural Municipality of McKillop No. 220 wishes to provide for the prevention, regulation and control of the lighting of fire within the Municipality;

NOW THEREFORE the Council of the Rural Municipality of McKillop No. 220 in the Province of Saskatchewan enacts as follows:

1. Title

This Bylaw may be cited as the "Fire Suppression Management Bylaw".

2. Definitions

For the purpose of this bylaw, the expression:

- 2.1 "Administrator" means the Administrative Financial Officer of the Rural Municipality of McKillop No. 220 or his/her designate;
- 2.2 "Apparatus" means any vehicle provided with machinery or equipment for firefighting operated by or for fire protection services whether that vehicle operates on land, in the air, or on water;
- 2.3 "Burning barrel fire" means a fire confined to a non-combustible structure or container which is lit for the purpose of burning household refuse;
- 2.4 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Rural Municipality of McKillop No. 220 pursuant to Section 373 of *The Municipalities Act*;
- 2.5 "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, a recreational fire, or a smudge fire;

- 2.6 "Council" means the Council of the Rural Municipality of McKillop No. 220;
- 2.7 "Equipment" means any tools, devices, materials or supplies used by or for fire protection services to respond to an incident;
- 2.8 "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 extinguishing of all fires within the Municipality;
- 2.9 "Fire protection services" means any and all of the services enumerated in Section 3.1 and includes any other service delivered by or for fire protection organizations that is authorized by Council;
- 2.10 "Fire protection charges" means all costs or charges incurred for fire protection services as per current fire services agreements and entered into by the Municipality with fire protection organizations;
- 2.11 "Fire protection organizations" means the organizations that provide fire protection services under agreement with the Municipality;
- 2.12 "Incident" means a fire or a situation where a fire or explosion is imminent or any other emergency where there is a danger or possible danger to life or property;
- 2.13 "Incident Command" means the highest ranking member of the fire services organization who first arrives at the scene of an incident;
- 2.14 "Municipality" means the Rural Municipality of McKillop No. 220;
- 2.15 "Outdoor fire" means any fire in the Municipality started or caused by any person, including without limitation a controlled burn, a burning barrel fire, a recreational fire, and a smudge fire;
- 2.16 "Prohibited debris" means any combustible hazardous waste as defined in *The Environmental Management and Protection Act, 2010* and any amendments thereto;
- 2.17 "Recreational fire" means a fire confined within a non-combustible structure or container which is lit for the purposes of cooking, obtaining warmth, or viewing for pleasure, and is fueled solely by dry wood, charcoal, natural gas, or propane; and
- 2.18 "Smudge fire" means a fire which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost.

3. Fire Protection Services

- 3.1 Council, pursuant to this bylaw, will contract fire protection services in the Municipality with fire protection organizations for the purpose of:
- a) Preventing and extinguishing fires;
 - b) Preserving life and property and protecting persons and property from injury or destruction by fire;
 - c) Enforcing the requirements of the Municipality under *The Wildfire Act*;
 - d) Preventing, combating and controlling incidents;
 - e) Carrying out preventable controls;
 - f) Maintaining and operating apparatus and equipment for extinguishing fire and preserving life and property;
 - g) Providing rescue services for motor vehicle collisions, not including water or ice rescue;
- in accordance with the policies and guidelines established by the Municipality from time to time and all applicable legislation.

4. Incident Command Authority and Responsibility

- 4.1 Incident Command at an incident shall have control, direction and management of all apparatus, equipment and manpower assigned to that incident and shall continue to act as the Incident Command until Incident Command is transferred to another person or the incident ends.
- 4.2 Incident Command shall take action as deemed necessary for preserving life and property and protecting persons and property from injury or destruction by fire or other emergency and is authorized to:
- a) Enter, pass through or over buildings, structures, or property whether adjacent or in proximity to an incident and to cause fire protection organizations or apparatus or equipment to enter or pass through or over the building, structure, or property without permission;
 - b) Establish boundaries or limits and keep persons from entering into the area within the prescribed boundaries or limits unless authorized;
 - c) Request Bylaw Enforcement Officers to enforce restrictions on persons entering within the boundaries of the Municipality;
 - d) Cause a building, structure, or thing to be pulled down, demolished, or otherwise removed;
 - e) Request manpower and equipment from the Municipality which is considered necessary to deal with an incident; and
 - f) Request any adult person to assist in:
 - 1) Extinguishing a fire or preventing the spread thereof;
 - 2) Removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing the same; and
 - 3) Demolishing a building or structure at or near the fire or other incident.

5. Controlled Burn

- 5.1 Any person that lights a controlled burn upon land owned or occupied by such person must report the fire in advance to the Provincial Controlled Burn Hotline by calling 1-866-404-4911.
- 5.2 In the event no advance reporting of the controlled burn is made and should fire protection services be dispatched to the site of the controlled burn, even though the controlled burn is being supervised and is under control, the person supervising the controlled burn or the owner or occupant of the parcel of land shall be responsible for the fire protection charges and Section 8 of this Bylaw shall apply.

6. Permitted and Prohibited Fires

- 6.1 Any person that lights or causes to be lit any outdoor fire or permits any outdoor fire upon land owned or occupied by such person or under such person's control with the boundaries of the Municipality shall do so as provided by this Bylaw.
- 6.2 No person shall burn or cause to be burned any prohibited debris within the boundaries of the Municipality.
- 6.3 No person shall, at any time of the year, light or cause to be lit an outdoor fire or permit any outdoor fire on any property less than one (1) acre in size unless the fire is a recreational fire.
- 6.4 Subject to Section 6.3, a controlled burn, burning barrel fire, recreational fire, or smudge 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.

- 6.5 Recreational fires shall be contained in commercially constructed outdoor fireplaces with heavy gauge screening, not exceeding ten (10) millimeters, barbeques, or raised fire pits covered with a heavy gauge grate whose fuel source consists of material from which no sparks are emitted.
- 6.6 Burning of leaves and tree branches and burning barrel fires on any parcel of land that lies in within 22.86 metres (75 feet) proximity of a dwelling or other residential building(s) shall be prohibited.
- 6.7 This Bylaw does not apply to:
- a) An outdoor fire lit by fire protection organizations for training or preventive control purposes;
 - b) An outdoor fire prescribed by regulations under *The Wildfire Act*; or
 - c) A fire confined to an incinerator regulated under *The Environmental Management and Protection Act, 2010*.
- 6.8 In the event there is a failure to control an outdoor fire and fire protection services are provided to the fire area, the person or persons causing or contributing to the fire or the owner(s) or occupant(s) of the parcel of land shall be responsible for fire protection charges and Section 8 of this Bylaw shall apply.

7. **Fire Ban**

- 7.1 The Administrator may, from time to time, prohibit all fires in the Municipality when, in the opinion of the Administrator, in consultation with area fire departments, Council, and the R. M. foreman and upon agreement of the majority of these individuals, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- 7.2 A fire ban imposed pursuant to Section 7.1 of this Bylaw shall remain in force until either the 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.
- 7.3 Notice of a fire ban shall be provided to the public in the form of:
- a) Signs posted throughout the Municipality, in locations to be determined by the Municipality;
 - b) On the Municipality's website; and
 - c) By any other means the Administrator determines to be appropriate for the purpose of informing the public of the fire ban.
- 7.4 When a fire ban is in place, no person shall ignite any fire and shall immediately extinguish any fire lit once the person knows or ought reasonably to know of the fire ban.

8. **Fire Services Charges**

- 8.1 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:
- a) The person or persons causing or contributing to the fire; or
 - b) The owner or occupant of the parcel of land.
- 8.2 All persons charged are jointly and severally liable for payment of the fire protection charges to the Municipality.
- 8.3 The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service in accordance with the rates contained within the Fire Services Agreements entered into by the Municipality, which may be revised from time to time.
- 8.4 Fire protection charges shall be paid within sixty (60) days of issuance of the invoice.

8.5 The Council, in accordance with Section 369 of *The Municipalities Act*, may authorize the Administrator to add to the taxes of any property owned by the person referenced in Section 8.1 of this Bylaw any amount which remains unpaid at the end of the calendar year.

9. **Effective Date**

This bylaw shall come into force and take effect on May 10, 2016.



Reeve

Administrative Financial Officer



Certified to be a true copy of Bylaw No. 318/2016
adopted by the council of the Rural Municipality of McKillop
No. 220 on the 1st day of June, 2016.

Administrator