



RESORT VILLAGE OF KIVIMAA-MOONLIGHT BAY

BYLAW 04/24

A Bylaw of the Resort Village of Kivimaa-Moonlight Bay in the province of Saskatchewan, to establish a process for a Fire Advisory and/or Fire Ban in consultation with the Resort Village of Kivimaa-Moonlight Bay Volunteer Fire Department in 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 Kivimaa-Moonlight Bay pursuant to the powers granted to it under *The Municipalities Act*, wishes to provide for the advisory and/or complete banning of fires within the Resort Village 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;

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;

NOW THEREFORE, the Resort Village of Kivimaa-Moonlight Bay enacts as follows:

1. This bylaw shall be referred to as the "Fire Restriction & Fire Ban Bylaw".
2. The Preamble forms a part of this Bylaw (Schedule A)

PART I – DEFINITIONS

- a) "**Administrator**" shall mean the administrator of the municipality, or in their absence their designate;
- a) "**Council**" shall mean the council of the municipality;
- b) "**Designated Officer**" shall mean the Administrator and any person appointed to enforce this bylaw;

- c) **“Discharge”** includes to ignite, fire, or set off and the words “discharging” and “discharged” have a similar meaning;
- d) **“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.
- e) **“Mayor”** shall mean the person elected as Mayor to the municipality, or in their absence the Deputy Mayor.
- f) **“Municipality”** shall mean the Resort Village of Kivimaa-Moonlight Bay;
- g) **“Supervising Officer”** means a person appointed by the Municipality to oversee the Enforcement and Protective Services Department, or their designate.

PART II - FIRE BAN

1. A fire ban prohibiting open fire of any kind may be issued by Council or jointly by any two officials of the Municipality identified in section 2 of this bylaw. A fire ban shall be issued in writing and shall identify;
 - the time and date that the fire ban commences;
 - The land location(s) the fire ban covers;
 - The time and date the fire ban is lifted, or will be reviewed;
 - Persons authorizing the fire ban;
 - Authority allowing the fire ban;
 - other information that may be in the public interest.
2. Pursuant to section 1 of this Bylaw, the municipal officials so authorized, in any tandem, to issue a fire ban are the Administrator and Mayor. Fire or Advisory shall remain in force until the administrator provides notice to the public that the Fire Ban is no longer in effect.
3. Notice of a Fire or Advisory 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 the webpage and Facebook for the purpose of Informing the public of the Fire or Advisory Ban.
4. 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.
5. The Designated office or, fire chief shall as per section 19 of the fire Act.

If a fire inspector has reason to believe that an imminent risk exists on land or in a premises, the fire inspector may, without a warrant:

- enter on the land or into the premises; and
 - take any measures that the fire inspector considers necessary for the immediate protection of persons, property or the environment against that risk.
6. 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.
 7. A Designated Officer may order any fire be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
 8. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
 9. A Designated Officer may cause a fire to be extinguished forthwith during any period for which a fire ban is in effect within the municipality. If the Fire Department is requested to attend to extinguish, all costs incurred will be invoiced to the person for the fire
 10. The cost of fire prevention, suppression and emergency response services shall be charged directly on the persons who receive the service in accordance with Schedule "A" which is attached to and forming a part of this bylaw.
 11. 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 8 of this bylaw any amount which remains unpaid at the end of the calendar year or 31 days after the person has been invoiced for said services, whichever is earlier.
 12. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
 13. A Designated Officer may issue a notice of violation to any person committing an offence under this bylaw. A person who contravenes any provision of this Bylaw, fails to comply with any order or request directed to that person pursuant to this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine:
 - i. For the first offense, of \$1000.00
 - ii. For the second offense, of \$2000.00
 - iii. For the third or subsequent offence, of \$3000.00
 14. The notice of violation shall require the person to pay to the Municipality;
 - a. in person, during regular office hours, to the Resort Village of Kivimaa-Moonlight Bay, 67 Lake Shore DR., Kivimaa-Moonlight Bay, Saskatchewan, OR
 - b. by mail addressed to the Resort Village of Kivimaa-moonlight Bay, PO Box 120, Livelong, SK, S0M 1J0,

15. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.
16. 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 Sections 12 and 14 of this bylaw any amount which remains unpaid at the end of the calendar year or 31 days after the person has been invoiced for said penalty for violation, whichever is earlier.
17. This bylaw shall come into force on final passing thereof.



St. My
Mayor

Dot Radwan
Administrator

Certified a true copy of
Bylaw No. 04/24 passed on
the 11 day of APRIL, 2024

Schedule A

To Bylaw 04/24

A Bylaw for Enacting A Fire Restriction Or Fire Ban

Solid Fuel Barbecues and Solid Fuel Campfires are permitted under certain provisions of the Fire Ban Bylaw.

Fire Ban Includes:

- Fire works
- Recreational fires and propane fire pits if flames are higher than 2 inches.

Permitted Uses Include:

- Barbeques (propane, gas and briquette)
- Tabletop propane heaters and propane heaters with a maximum flame height of 2 inches
- Patio heaters
- Completed enclosed wood fuel pit with spark arrestor on chimney. E.g. Wood fire place & Wood Hot tubs.
- Fires must be under constant supervision by an adult-Be prepared, and have a plan to extinguish a fire should it escape.

OFFENCES AND PENALTIES

Every person who contravenes this Bylaw is guilty of an offence and liable on summary conviction up to \$1,500 for first offense as stated in bylaw 04/24 in addition to firefighting fees if required. Firefighting fees are equal to the Saskatchewan Government Insurance hourly rate set annually.