

RESORT VILLAGE OF WEE TOO BEACH

BYLAW 01 – 19

A BYLAW TO AUTHORIZE ENACTING OF FIRE RESTRICTIONS OR FIRE BANS

The Council of the Resort Village of Wee Too Beach for the purpose of providing public safety in times of extreme fire hazard conditions and to regulate open fires, fireworks and burning of any kind, enacts as follows:

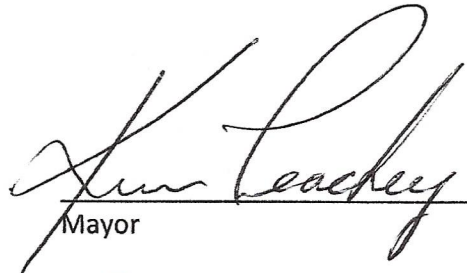
1. This Bylaw may be referred to as the "Fire Ban Bylaw".
2. In this Bylaw,
 - 2.1 "Administrator" shall mean the administrator of the Resort Village of Wee Too Beach;
 - 2.2 "Bylaw Enforcement Officer" shall mean the appointed Bylaw Enforcement Officer for the Resort Village of Wee Too Beach;
 - 2.3 "Council" shall mean the council of the Resort Village of Wee Too Beach;
 - 2.4 "Deputy Mayor" shall mean the Deputy Mayor of the Resort Village of Wee Too Beach;
 - 2.5 "Designated Officer" shall mean a person or agent appointed by the Resort Village of Wee Too Beach to act as a municipal inspector for the purposes of this bylaw;
 - 2.6 "Fire Chief" shall mean the Fire Chief of the Holdfast Volunteer Fire Department;
 - 2.7 "Fire" shall mean a state, process, or instance of combustion in which fuel or other materials such as but not limited to; wood; grass; stubble crop; coals; or other flammable materials other than propane or natural gas is ignited and combined with oxygen, giving off light, heat, and flame;
 - 2.8 "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, bombardos, 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 of a grain of explosive per cap;
 - 2.9 "Mayor" shall mean the Mayor of the Resort Village of Wee Too Beach;
 - 2.10 "Municipality" shall mean the Resort Village of Wee Too Beach;
 - 2.11 "Violation Ticket" shall mean a ticket issued for an offense committed against any provision of this Bylaw.
3. Notwithstanding the provision in any other Bylaw the Mayor may, upon receiving input from any members of the Council, declare a Fire Ban on fireworks and/or burning of any kind with the Municipality. In the absence of the Mayor, the Deputy Mayor, acting on the recommendation of the Council, may also declare a Fire Ban within the Municipality. A Fire Ban will not be effective until signed by the Mayor or Deputy Mayor, or in their absence, by a member of Council. A fire ban shall be issued in writing and shall identify:
 - a. The time and date that the fire ban commences;
 - b. The time and date the fire ban is lifted or will be reviewed;
 - c. Person or persons authorizing the fire ban;
 - d. Authority permitting the fire ban;
 - e. Other information that may be in the public interest

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. No person shall discharge, start, allow or cause to be discharged, ignited or started any fireworks of any kind whatsoever during a fire ban.
6. A Designated Officer may order any fire to be extinguished forthwith during any period for which a fire ban is in effect within the municipality.
7. No person shall fail to immediately comply with an order to extinguish a fire by a Designated Officer.
8. 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.
9. Where a member of Council or the administrator has reasonable grounds to believe that a person has committed a breach of any of the provisions of this Bylaw, he or she may have an appointed bylaw enforcement officer issue and serve such person a Violation Ticket.
10. 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 \$500.00 and not more than \$10,000.00;
 - b. In the case of a second offence to a fine not less than \$750.00 and not more than \$10,000.00;
 - c. In the case of a third or subsequent offence to a fine not less than \$1,000.00 and not more than \$10,000.00, to imprisonment for not more than one year or to both.
11. A new offence is deemed to have been committed not less than two (2) hours from any previous offence.
12. Notwithstanding Section 10, a Designated Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
13. The notice of violation shall require the person to pay the Municipality:
 - a. In a case of an individual, to a fine of \$300.00 for a first offence and \$450.00 for a second offence to be paid within 21 days of notice.
 - b. In the case of a Company or Corporation, to a fine of \$500.00 for a first offence and \$1,000.00 for a second offence to be paid within 21 days of notice.
14. The amount specified in clause 13 may be paid:
 - a. By mail addressed to the Resort Village of Wee Too Beach, OR,
 - b. By e-transfer of funds to weetoo@sasktel.net
15. If payment of the fine, as provided in clause 13, is made prior to 21 days from the date they received the notice of violation, the person shall not be liable to prosecution for that offence.
16. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.


17. 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 hold of the Court shall not affect the validity of the remaining portions of the Bylaw.

18. This bylaw shall come into force and take effect on the 1st day of July, 2019.






Mayor



Administrator

Certified a true copy this
26th day of June, 2019.



A notary public.
My appointment expires
March 31, 2024

