

RURAL MUNICIPALITY OF MONTROSE NO. 315

BYLAW 2023 - 03

A BYLAW TO ESTABLISH FIRE PROTECTION SERVICES

The Council of the Rural Municipality of Montrose No. 315 in the Province of Saskatchewan enacts as follows:

1) SHORT TITLE

1.1 This bylaw may be cited as the Fire Protection Services Bylaw.

2) PURPOSE OF THE FIRE PROTECTION SERVICES BYLAW

2.1 The purpose of this bylaw is;

- a) to establish and define the operation of the Montrose Volunteer Fire Department;
- b) to provide for the prevention and suppression of fires;
- c) preserve life and property and to protect persons and property from injury or destruction by fire;
- d) enforce the requirements of the Municipality under *The Wildfire Act*;
- e) maintain and operate apparatus and equipment for extinguishing fires and preserving life and property;
- f) provide rescue services for motor vehicle incidents 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.

2.2 Repeals:

- a) Bylaw No. 2019-05 Fire Ban is hereby Repealed.
- b) Bylaw No. 2019-07 False Alarm is hereby Repealed.

3) LEGISLATION & DEFINITIONS

3.1 WHEREAS *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) the enforcement of bylaws;

3.2 AND WHEREAS *The Municipalities Act* further provides that a municipality may pass bylaw to prevent, regulate and control the lighting of fires and may collect pursuant to a bylaw costs and expenses incurred by the municipality for extinguishing fires;

"Administrator" means the administrator of the Municipality or designate.

"Alarm Signal" means a telephone request for emergency police or fire department services;

"Alarm System" includes a device or devices designed to activate an alarm signal but excludes a device that is installed in a vehicle;

"Alarm Site" means a single fixed premise or location served by an alarm system or systems. Each tenancy shall be considered a separate alarm site.

"Apparatus" means any vehicle provided with machinery, or equipment for firefighting operated by or for Fire Protection Services.

"Burning Barrel Fire" means a fire confined to a non-combustible structure or container which is lit for the purpose of burning household refuse.

"Bylaw Enforcement Officer" means a bylaw enforcement officer appointed by the Municipality pursuant to *The Municipalities Act*.

"Category 2 Fire" is an open fire, excluding a campfire, that burns piled material no larger than two meters high and three meters wide, or grass over an area less than 0.2 hectares (2000 square meters) in size.

"Category 3 Fire" is a fire that burns material in piles larger than two meters high and three meters wide, windrows, or grass over an area larger than 0.2 hectares (2000 square meters) in size.

"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.

"Council" means the municipal council of the Municipality.

"Department" means the Montrose Volunteer Fire Department.

"Discharge" includes to ignite, fire or set off and the words "discharging" and "discharged" have a similar meaning.

"Equipment" means any tools, devices, materials or supplies used by or for Fire Protection Services to respond to an Incident.

"False Alarm" means an activation of an alarm system which results in a response by the R.C.M.P. or the Montrose Volunteer Fire Department, where unauthorized entry to the alarmed premises has not occurred and no police or fire department emergency exists, but does not include:

- (i) any False Alarm which the organization or individual can demonstrate was caused by a storm, lightning, fire, earthquake or act of God; or
- (ii) any False Alarm which the organization or individual can demonstrate was actually caused by the act of some person other than the organization or individual, including the organization or individual's officers, agents, employees, independent contractors or any other person subject to the direct or indirect control of the organization or individual;

"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.

"Fire Protection Services" means any and all of the services enumerated in section 2 and includes any other service delivered by the Montrose Volunteer Fire Department and Fire Protection Organizations as authorized by Council.

"Fire Protection Charges" means all costs or charges incurred for fire protection services by the Montrose Volunteer Fire Department and other Fire Protection Organizations as per mutual aid agreements entered into by the Municipality.

"Fire Protection Organization" means the organizations that provide Fire Protection Services under mutual aid agreements entered into by the Municipality.

"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 recreations 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 fireworks 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 includes sparklers, Christmas crackers, caps for toy guns containing not in excess of twenty-five-one-hundredths of a grain of explosive per cap.

"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.

"Incident Command" means the highest-ranking member of the Fire Services Organization who first arrives at the scene of an Incident.

"Municipality" means the Rural Municipality of Montrose No. 315.

"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.

"Prohibited Debris" means any combustible hazardous waste as defined in *The Environmental Management and Protection Act, 2010* and any amendments thereto.

"Recreational Fire" means a fire confined within a non-combustible structure or container, which is lit for the purpose of cooking, obtaining warmth or viewing for pleasure and is fueled solely by dry wood, charcoal, natural gas or propane.

"Smudge Fire" means a fire which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost.

"Violation Ticket" means a violation ticket issued for an offence committed against any of the provisions of this Bylaw.

4) GENERAL

4.1 The Montrose Volunteer Fire Department will operate as a volunteer department within the policies and guidelines established by the Municipality and within the Department Operating Procedures.

4.2 The Department is responsible on a volunteer basis for the Service Level declared by resolution of council under the Saskatchewan Public Safety Agency, Fire Service Minimum Standards Guide. Whereby that declaration is:

Level 1: Defensive Operations Service**

Level 2: Offensive Operations Service**

Level 3: Full Operations Service**

*** being and including: Wildland / Grassland Service*

4.3 The Municipality is responsible;

- a) Providing and maintaining a building suitable as a fire hall to account for emergency vehicles, equipment and personal protective equipment.
- b) Providing and maintaining suitably equipped emergency vehicle(s).
- c) Approving an annual budget to effectively operate the department. This budget will be prepared by the Fire Committee prior to February 28 of each calendar year, the Administrator being responsible to present to Council.
- d) Providing personal protective equipment and proper training under Provincial Labor Codes as employees of the Municipality.

5) DUTIES OF THE FIRE CHIEF

5.1 The Fire Chief;

- a) Is appointed annually by Council.
- b) Is the operations manager of the Department.
- c) Administrates and enforces this Bylaw within the Municipality.
- d) Maintains and updates member lists and personnel information for insurance purposes. All new member information is forwarded to the Municipal Office.
- e) Responsible for the reporting of discipline within the Department, to the Rural Municipality Human Resources Committee for action and/or advice and may make rules, regulations and develop procedures necessary to carry out the daily administration and operations of the Department.
- f) Present budget and capital requests to the
- g) Fire Committee prior to January 31 of each calendar year.
- h) All fire member training and personnel records are to be kept by the Fire Chief or member appointed by the Fire Chief and forward copies of training records monthly to the Municipal Office for record keeping.
- i) Ensure equipment and firehall is in good working order and maintenance records are

kept.

6) STAFFING

6.1 Management and leadership positions in the Fire Department are selected internally by the group.

6.2 The Fire Chief has the authority to recommend an appointment or withdrawal of all Department Members to or from their positions; including termination providing all appointments and withdrawals are approved by the Fire Committee. All terminations are to be approved by the Rural Municipal Human Resources Committee.

6.3 Requirements

- a) Members shall be at least 18 years of age.
- b) All members can be a resident of the Municipality or surrounding area upon approval of the Fire Chief and the Fire Committee.
- c) All new members must forward a copy of their current government issued Drivers' License along with a driver's abstract and basic criminal record check no older than 6 months old to the Municipal Office as per regulations stated by the Saskatchewan Public Safety Agency.

7) FIRE COMMITTEE

7.1 The Fire Committee will be chaired by an appointed member of Council and will conduct meetings in a board format.

7.2 Fire Chief, Deputy Fire Chief and Secretary will be Department members of the committee.

7.3 The Committee will;

- a) Conduct meetings on a quarterly basis or at the discretion of the committee with a prepared Agenda and minutes will be taken and submitted to Council.
- b) Prepare the annual budget for presentation to Council as well as requests for capital acquisitions, replacement or maintenance.
- c) Review appointments, withdrawal of appointments and terminations.
- d) Review incident reports for assessment of Department performance. This will aid in adjusting personnel, operating procedures and/or training requirements.
- e) Prepare action reports for dissemination to applicable departments.
- f) Prepare an annual inventory of equipment and supplies to present to Council by December 31 of each calendar year.
- g) Prepare, review or amend Mutual Aid Agreements between the R.M. and other entities to ensure needs are met and conditions of agreements are up to date and present such to Council for final approval.
- h) Develop and direct fundraising initiatives.
- i) Address any other topic or issue directly related to the operations of the Department.

7.4 Meetings will take place at the Fire Hall in Donavon as scheduled by the Committee.

8) MEMBER MEETING & TRAINING DRILLS

8.1 Regular member Department meetings will take place in Donavon.

8.2 Meetings will have minutes and will be submitted to council prior to the next Regular Meeting of Council.

Regular meetings should include a review of new procedures, operational changes, review of after-action reports, a training scenario discussion and a review of equipment and procedures.

8.3 Training drills will be held at the discretion of the Fire Chief.

9) BANKING & FINANCIAL

9.1 All fundraising funds raised by the Department members for the Montrose Volunteer Fire Department will go into a bank account to the credit of the Montrose Volunteer Fire Department. The records of any bank accounts will be maintained by the Department with two members having signing authority.

9.2 The funds from Department accounts will be used for the purpose they were raised or whatever related expenditures a majority of the members present at a regular meeting vote.

9.3 A copy of the Department Financial Reports will be submitted by April 30 of each calendar year to the Council for review.

10) FEES FOR SERVICE

10.1 The Municipality will charge the applicable fees for Fire Services as per "Schedule A".

10.2 Fees may be reviewed and set by Council on the advice of the Fire Chief

10.3 Fees for motor vehicle incidents are set annually by SGI.

11) AGREEMENT FOR EMERGENCY SERVICE

11.1 The Municipality may enter into any agreement with other jurisdictions or other properly constituted authorities, organizations or agencies for the furnishing or receiving of Fire Protection Service on the basis of a Mutual Aid Agreement.

12) REQUEST FOR EMERGENCY SERVICE

12.1 The Municipality may provide and charge for Fire Protection Services where no agreement exists if a request is made by other jurisdictions or other properly constituted authorities, organizations or agencies.

12.2 The charge for Fire Protection Service provided by the Department shall be determined according to "Schedule A".

13) AUTHORITY & RESPONSIBILITY OF INCIDENT COMMAND

13.1 Incident Command at an Incident shall have control, direction and management of all apparatus, equipment and manpower assigned to the incident and shall continue to act as Incident Command until command is transferred to another person or the incident is secured as per the Saskatchewan Public Safety Association.

13.2 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 adjacent to or in proximity of an Incident without permission.
- b) Establish boundaries or limits to keep persons from entering an area prescribed unless authorized.
- c) Cause a building, structure or thing to be pulled down, demolished or removed.
- d) Request Municipal manpower and equipment if deemed necessary to deal with an incident.
- e) Request any adult person to assist in;
 - i. Extinguishing a fire or preventing its spread
 - ii. Removing objects from any building or structure on fire or in danger of fire and securing them
 - iii. Demolishing a building or structure at or near a fire or other incident

14) CONTROLLED BURN

14.1 Any person that plans a Controlled Burn shall notify the Saskatchewan Public Safety Agency 1-866-404-4911 prior to setting the fire.

14.2 In the event of no notification of a Controlled Burn was made and Fire Protection Services were dispatched even though the burn is supervised and under control, the person supervising or the owner/occupant shall be responsible for Fire Protection Charges.

15) PERMITTED & PROHIBITED FIRES

15.1 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 within the boundaries of the Municipality shall do so as provided by this Bylaw.

15.2 No person shall burn or cause to be burned any Prohibited Debris within the boundaries of the Municipality.

15.3 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 1 acre in size unless the fire is a Recreational Fire.

15.4 Subject to 15.3, a Controlled Burn, Burning Barrel Fire, Recreational Fire or Smudge is permitted provided that the fire is kept under control and supervised at all times by a responsible adult person until such time as the fire is completely extinguished.

15.5 This Bylaw does not apply to:

- a) An Outdoor Fire lit by Fire Protection Services for training or preventive purposes.
- b) An Outdoor Fire prescribed by regulations under *The Wildlife Act*; or
- c) A fire contained to an incinerator regulated under *The Environmental Management and Protection Act, 2010*.

15.6 In the event there is a failure to control an Outdoor Fire and Fire Protection Services are dispatched to the fire area, the person or persons causing or contributing to the fire or the owners or occupants of the parcel of land shall be responsible for Fire Protection Charge and Section 17 of this Bylaw shall apply.

15.7 Where a false alarm is activated, subject to **Schedule A – Fees and Charges** the organization or individual having care and control of the alarm site, shall upon demand pay a response fee to the RM of Montrose 315 as set out in Schedule “A” of this bylaw.

16) FIRE BAN

16.1 A fire ban prohibiting open fire of any kind may be issued by a resolution of Council or jointly by the Fire Chief or Deputy Fire Chief and the Administrator when prevailing environmental conditions support an increased risk of a fire getting out of control.

16.2 Notice of the fire ban to the public shall be issued in writing and shall identify;

- a) The date the fire ban commences.
- b) The Category of the fire if not all fires are banned.
- c) The location(s) the fire ban covers.
- d) The date the fire ban is lifted or will be reviewed.
- e) Person or persons authorizing the fire ban.
- f) Other information that may be in the public interest.

16.3 The Fire Chief upon a fire ban being issued shall contact the Controlled Burn dispatcher to notify of such.

16.4 A fire ban will remain in effect until either the date provided in the notice of the Fire Ban or until such time as the Administrator provides notice of cancellation of the Fire Ban.

16.5 Notice of a Fire Ban shall be provided to the public by the Municipality by any means the Administrator deems appropriate, including posting of the notice on the Municipal Website.

16.6 When a Fire Ban has been issued by the Municipality, and is in effect, no person shall;

- a) Ignite a fire contrary to the Fire Ban order.
- b) Permit a fire to burn contrary to the Fire Ban order.
- c) Discharge Fireworks.
 - a. No person under 18 years of age shall discharge any fireworks within the Municipality except under the direction supervision of a parent, guardian or other responsible adult.
 - b. No parent or guardian of a child under 18 years of age shall permit the child to discharge any fireworks, except when under the direct supervision of the parent or guardian.

16.7 It is the responsibility of any person to ensure there is no Fire Ban in effect prior to igniting any fire. It is not a defense in proceedings pursuant to this Bylaw that the accused did not know that a Fire Ban was in effect at the time a fire was ignited.

16.8 An owner or person in lawful possession of a property on which a fire is burning contrary to the provisions of this Bylaw may be ordered to extinguish the fire at the direction of an agent of the Municipality, or an officer authorized to enforce the provisions of this Bylaw, or by a member of the Fire Protection Service. Failure to comply with that direction is an offence contrary to this Bylaw and is subject to a fine as outlined in "Schedule A".

17) FIRE PROTECTION CHARGES

17.1 Upon Fire Protection Services being dispatched to a parcel of land within the boundaries of the Municipality, the Municipality shall, in its sole and absolute discretion, invoice Fire Protection Charges to the owner or occupant of the parcel(s) of land receiving Fire Protection Services. All persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Municipality.

17.2 The Municipality shall be responsible for firefighting charges where a response occurs to a properly reported Controlled Burn under the provisions of this Bylaw. The response will be deemed a false alarm.

17.3 Fire Protection Charges shall be paid within 60 Days of receipt.

17.4 Collection of unpaid Fire Protection Charges may be undertaken by civil action in court of competent jurisdiction, and any civil action does not invalidate any lien which the Municipality is entitled to on the parcel of land in respect of which the indebtedness is incurred.

17.5 The Municipality may add all unpaid Fire Protection Charges to the tax roll of the parcel of land in accordance with *The Municipalities Act*.

18) NOTICE

18.1 Any Notice required for in this Bylaw shall be in writing.

18.2 Service of such Notice to be made;

- a) Personally, upon the person to be served; or to any person receiving it on behalf; or
- b) By mailing a copy to the person to be served to the last known address of the person to be served;
- c) Where the property is not occupied, by mailing the notice to the address noted on the Municipality tax roll for the property;
- d) As directed by the courts.

18.3 Service is presumed to be affected under 18.2 in accordance with *The Municipalities Act*.

18.4 This section does not apply to the notice of a Fire Ban to be given by the Administrator as referenced in 16.3 of this Bylaw.

19) OFFENCES

19.1 No person shall contravene any provision of this Bylaw.

20) VIOLATION TICKET

20.1 The Fire Chief or a Law Enforcement Official is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to this Bylaw to any person who, under reasonable and probable grounds to believe has contravened any provision of this Bylaw.

20.2 A person who contravenes any provision of this Bylaw, fails to comply with any request directed to that person pursuant to this bylaw is guilty of an offence and is liable, upon summary conviction, to the specified penalty for the offence set out in "Schedule A", attached and forming part of this Bylaw.

20.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;

- a) Specify the amount established by this Bylaw for the offence; or
- b) Require a person to appear in court without the alternative of making a voluntary payment.

21) VOLUNTARY PAYMENT

21.1 A violator of any subsections of this Bylaw may voluntarily pay the penalty at the RM Office during regular office hours within 14 days from the date of service. That person shall not be liable to prosecution upon payment.

22) COMING INTO FORCE

This bylaw shall come into force on the day of its final passing.

Signed and sealed this this 17 day of AUGUST, 2023.

Read and approved for a 1st time on this 13 of JULY, 2023.

Read and approved for a 2nd time on this 17 of AUGUST, 2023.

Read and approved for a 3rd time on this 17 of AUGUST, 2023.





Raymond French, Reeve



DeAnne Robblee, Administrator

Certification – CERTIFIED COPY

Read a third time and adopted
this 17 day of AUGUST, 2023.



Administrator, DeAnne Robblee



Schedule A
Fees and Charges

Current Mutual Aid agreements in the Municipal Bylaw Register are:

- 1989 – 4
- 2006 – 3
- 2020 – 01
- 2020 – 04
- 2022 – 03

(Bylaws are subject to be changed or updated)

FIRE CALL OUT RATES

Hourly Rate	\$800.00
Minimum Charge - 2 hours	\$1600.00
Foam (Per Liter) / Minimum 20L	\$200.00

SECTION 16 FIRE BAN VIOLATION

Flat Rate	\$250.00
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SECTION 17 FALSE ALARM RATES – Reset each January 1

1 st False Alarm Call Out	Free
2 nd False Alarm Call Out	\$100.00
3 rd False Alarm Call Out	\$500.00

SGI RATES

SGI (Saskatchewan Government Insurance) rates for motor vehicle accidents are governed by The Automobile Accident Insurance Act. Payment rates may vary and are determined by SGI

Rural Municipality of Montrose 315, Box 129, Delisle, SK S0L 0P0 rm315@sasktel.net

NOTICE OF VIOLATION

Name of Violator: _____

Address or Land Description: _____

Date issued: _____ Time Issued: _____

Pursuant to Bylaw No. 2023-03 A Bylaw to Establish Fire Protection Services in the Rural Municipality of Montrose 315.

This Violation outlines that this notice of violation is due to the contravention of

Section ____ of the above-mentioned bylaw. That Violation is specific to:

You have 14 days to remit your payment for this violation as per Section 21.1 of the bylaw.

Signature of Designated Officer

\$ _____ CAD
Amount of Fine

