

## **BYLAW NO 1-2018.**

### **A BYLAW OF THE VILLAGE OF NEVILLE TO REGULATE BURNING, PROHIBIT THE USE OF BURNING BARRELS AND TO PROHIBIT THE BURNING OF HOUSEHOLD OR COMMERCIAL WASTE.**

THE Council of the Village of Neville in the Province of Saskatchewan enacts as follows:

1. No person shall use, or cause to be used, a burning barrel within the Village of Neville.
2. No person shall burn, or cause to be burned, any household waste material within the Village of Neville.
3. Waste material shall be removed by the Village to the Nuisance Grounds by:
  - a) An employee of the Village,
  - b) A person who has contracted with the Village for the purpose of waste removal, or
  - c) A person having received permission from the Village and is accompanied by an elected official of the Village of Neville.
4. No person shall light, ignite or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air without first having obtained a written permit stating the safety of the location, from the Administrator, after an inspection from the Fire Chief or designate.
5. A person to whom a permit has been issued under (4.), shall place, and at all times keep, a competent person in charge of the fire while it is burning or smoldering and shall provide that person with efficient equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous. The equipment to be used may consist of a garden hose connected to the water supply or portable fire extinguishers.
6. The Council shall have the authority to prohibit any or all open fires when atmospheric conditions or local circumstances, in their opinion, make such fires hazardous.
7. In this section, “imminent risk” means an imminent risk of a fire, emergency or other danger that, in the opinion of Council, the Fire Chief or designate, on reasonable grounds, threatens persons, property or the environment and requires the response of a fire department or the provision of fire department services.

- 1) If a fire designate has reason to believe that an imminent risk exists on land or in a premises, the designate may, without a warrant:
  - a. enter on the land or into the premises; and
  - b. take any measures that the designate considers necessary for the immediate protection of persons, property or the environment against that risk.
- 2) If a designate exercises any of the powers mentioned in subsection 2):
  - a. the designate shall, as soon as is practicable, notify the fire commissioner that these powers were exercised and outline the circumstances under which those powers were exercised; and
  - b. provide any addition information that the fire commissioner may require within the period specified by the fire commissioner.

### **Enforcement of Bylaw**

5. The administration and enforcement of this Bylaw is hereby delegated to the Clerk for the Village of Neville.
6. The Clerk of Neville is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Mayor or Councilors, and the Fire Chief of the Village of Neville.

### **Inspections**

7. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
8. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*, and, in the case of imminent risk, Part III, Section 19 of *The Fire Safety Act*.
9. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer.

### **Order to Remedy Contraventions, Other than Imminent Risk**

10. If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
11. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
12. Orders given under Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

### **Registration of Notice of Order**

13. If an order is issued pursuant to Section 24, the Municipality may, in accordance with Section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

### **Appeal of Order to Remedy**

14. A person may appeal an order made pursuant to Section 24 in accordance with Section 365 of *The Municipalities Act*.

### **Municipality Remediating Contraventions**

15. The Municipality may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
16. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

### **Recovery of Unpaid Expenses and Costs**

17. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw may be recovered either:
  - a) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or
  - b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

### **Offences and Penalties**

18. No person shall:
  - a) fail to comply with an order made pursuant to this Bylaw;
  - b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
  - c) fail to comply with any other provision of this Bylaw.
19. A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of \$100.00 to be paid to the Municipality within 14 days.

20. Where the Municipality receives voluntary payment of the amount prescribed under Section 33 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
21. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 24 of this Bylaw.
22. Every person who contravenes any provision of Section 32 is guilty of an offence and liable on summary conviction:
  - a) in the case of an individual, to a fine of not more than \$10,000;
  - b) in the case of a corporation, to a fine of not more than \$25,000; and
  - c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

### **Coming Into Force**

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

Bylaw 3-2014 is hereby repealed.