

Rural Municipality of \_\_\_\_\_

By-law No. \_\_\_\_\_

Being a By-law of the Rural Municipality of \_\_\_\_\_ for the prevention and the control of wildland fires within the Rural Municipality of \_\_\_\_\_.

**Definitions:**

**Authority Having Jurisdiction (AHJ):** the Municipal Council and the duly appointed agents thereof.

**CAO:** the Chief Administrative Officer of the municipality.

**Designate:** any person authorized by the AHJ to enforce this By-law on behalf of the AHJ.

**Officer:** the Fire Chief, any member of the Fire Service or any person on behalf of the AHJ, appointed as a fire guardian for purposes of **The Wildfires Act**.

**Outdoor Fire:** a fire that is started outdoors including crop residue burning, land clearing and grass burning.

**Wildfire Season:** the period in each year commencing on April 1<sup>st</sup> and ending on November 15<sup>th</sup> or any other period of time that may be designated by the AHJ.

**WHEREAS** it is deemed expedient and advisable to pass a By-law to provide generally for the protection of life and property from damages by fire and to regulate burning within The Rural Municipality of \_\_\_\_\_.

**WHEREAS** Section 232 (1) of *The Municipal Act* provides that a Council may pass By-laws for municipal purposes respecting the following matters pertaining to:

- (a) The safety, health, protection and well being of people from fire
- (b) The safety and protection of property from fire
- (c) Implementing various programs and or laws for fire prevention purposes
- (d) Implementing various programs for the purposes of fire suppression
- (e) Enforcement of any provincial or municipal statues as they may apply

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF \_\_\_\_\_ IN SESSION ASSEMBLED, ENACTS AS FOLLOWS

**1.0 Delegation of Authority**

1.1 THAT the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Rural Municipality of \_\_\_\_\_ be appointed as Officers for the purpose of enforcing provincial statues, regulations as well as this By-law.

**2.0 Responsibilities**

2.1 All burning within the municipality shall be subject to the conditions and provisions of **The Wildfires Act**, and the **Manitoba Crop Burning Residue Burning Regulation – MR 77/93**.

2.2 AUTHORIZATION to conduct **Outdoor Fire** burning does not exempt or excuse a person from the responsibility, consequences, damages, or injuries resulting from the authorized burning and does not excuse a person from complying with other applicable laws, ordinances or regulations.

- a) Any **Outdoor Fire** shall be supervised by the owner or occupier of the land or a person authorized by the owner or occupier of the land.
- b) No person shall start an **Outdoor Fire** on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire.
- c) No person shall start an **Outdoor Fire** unless all precautions are taken to ensure that the fire can be kept under control, or when weather conditions are conducive to a fire burning out of control.
- d) No person shall cause an **Outdoor Fire** to be started in order to guard property; clear land or burn debris; burn crop, stubble or grass; unless the land on which the fire is started is completely surrounded by a fire guard consisting of:
  - i) a strip of land free of flammable material, or of sufficient width to control the fire
  - ii) by natural or man-made barriers, water, or
  - iii) by a combination of (i) and (ii).
- e) The smoke from an **Outdoor Fire** shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
- f) A sufficient water supply and means of fire suppression capable of extinguishing the **Outdoor Fire** based on its fuel loading and size shall be available on site.
- g) All fires must be extinguished when unsupervised.

### 3.0 **Burning Ban**

3.1 The municipality may, by resolution, at their discretion, ban **ALL BURNING** (including fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of \_\_\_\_\_ if conditions exist where, in the opinion of the municipality, fires are of extremely high risk, and such a ban would prevent wildfires from occurring.

### 4.0 **Offense and Penalties**

4.1 It is an offense to contravene any provisions of this By-law. Any conviction of an offence is subject to a penalty of not less than \$\_\_\_\_\_ or not more than \$\_\_\_\_\_.

4.2 Where a person is in contravention under this By-law, in addition to imposing a fine, the municipality is entitled to be reimbursed by the person(s) for costs incurred by the municipality in fire protection and suppression operations that were undertaken as a result of the person(s) acts or omissions that resulted in the costs to be incurred.

5.0 This By-law shall come into force and take effect on the passing thereof.

DONE AND PASSED in Council assembled, this \_\_\_\_ day of \_\_\_\_\_ 201\_\_

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
CAO