

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.

**Burning Permit:** permit issued regulating outdoor and open air burning in burn permit areas.

**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, but does not include a fire started in, and remains contained within, a fire pit or solid fuel burning appliance.

**Wildfire Season:** means 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 Burning Permit Requirements**

2.1 THAT no person shall start an **Outdoor Fire** within the boundaries of the Rural Municipality of \_\_\_\_\_, during the **Wildfire Season** without first obtaining a **Burning Permit** from the Rural Municipality of \_\_\_\_\_ or from one of its designated Officers.

2.2 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**, including but not limited to, the following conditions, and those conditions specifically set out within the **Burning Permit**.

- 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 Responsibilities of Permit Holder

- 3.1 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.

### 4.0 Exemption from Burning Permit

- 4.1 Fires that are set in an outdoor fire pit or solid fuel burning appliance, set for cooking or warmth and would normally be considered a campfire, are for the purposes of this By-law, exempt from a Burning Permit, but must adhere to the following conditions:
  - (a) Any fire that is set in a fire pit or solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials.
  - (b) The fire pit or solid fuel appliance shall be covered with a non-combustible grate or mesh. If the fire pit or solid fuel appliance is equipped with a chimney, it shall have a noncombustible mesh or spark arrester installed.
  - (c) The fire pit or solid fuel appliance shall be located on a flat, level and noncombustible base clear of overhangs, such as roofs, tree branches, or utility wires.

- (d) A minimum clearance of 10 metres, measured from the nearest fire pit edge is maintained from any structures or any combustibles (ie. fences, trees, hydro poles) and property lines.
- (e) Solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least 10 metres.

**5.0 Burning Ban**

5.1 The municipality may, by resolution, at their discretion, ban **ALL BURNING** (including an ***Outdoor Fire*** and 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.

**6.0 Offense and Penalties**

6.1 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 \$\_\_\_\_\_.

6.2 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.

7.0 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