

## THE RURAL MUNICIPALITY OF PINEY

### BY-LAW NO. 108/2015

#### BEING A BY-LAW OF THE RURAL MUNICIPALITY OF PINEY FOR THE PREVENTION AND THE CONTROL OF WILDLAND FIRES WITHIN THE RURAL MUNICIPALITY OF PINEY

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 wellbeing 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 statutes as they may apply

AND 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 Piney.

NOW THEREFORE, the Council of The Rural Municipality of Piney, in meeting duly assembled, enacts as follows:

#### TITLE

- 1.0 This By-Law be referred as "The Rural Municipality of Piney Burn Ban By-Law".

#### DEFINITIONS

- 2.0 In this By-Law:
- a) "Authority Having Jurisdiction (AHJ)" means the Municipal Council and the duly appointed agents thereof.
  - b) "CAO" the Chief Administrative Officer of the municipality or the Assistant Chief Administrative Officer (ACAO) in their absence.
  - c) "Designate" any person authorized by the AHJ to enforce this By-law on behalf of the AHJ.
  - d) "Fire Pit" means a structure of stone, brick, and metal designed to contain fire and prevent it from spreading. This will include fire tables, fire bowls & burn barrels
  - e) "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.
  - f) "Outdoor Fire" a fire that is started outdoors including crop residue burning, land clearing and grass burning.
  - g) "Wildfire Season" the period in each year commencing on April 1st and ending on November 15th or any other period of time that may be designated by the AHJ.

#### DELEGATION OF AUTHORITY

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

#### RESPONSIBILITIES

- 4.0 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.

- 4.1 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.
- 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 (minimum of 366cm) 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 unless a variance is approved by Council.

#### FIRE PITS

- 5.0 An outdoor fire pit shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials;
- 5.1 The outdoor fire pit shall not exceed 100 cm in depth when measured from the bottom of the pit to the top of the pit opening and shall be at least 15 cm in height when measured from the surrounding grade to the top of the pit opening;
- 5.2 The outdoor fire pit opening shall not exceed 107 cm in diameter or an area of 0.89 square meters and the width or lengths shall not be greater than 107 cm;
- 5.3 When in use, outdoor fire pits shall be continuously supervised by an adult;
- 5.4 A means of extinguishment such as a portable fire extinguisher, pail of water, sand or garden hose shall be readily available on site. All fires must be completely extinguished before leaving the site.

#### BURNING BAN

- 5.0 The Council, by resolution, at their discretion, ban OPEN FIRES (excluding fires contained within outdoor fire pits and solid fuel burning appliances) in the Rural Municipality of Piney if conditions exist where, in the opinion of the municipality, such fires propose a risk, and such a ban would prevent wildfires from occurring.
- 5.1 The Council, by resolution, at their discretion, ban ALL BURNING (including fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of Piney 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.

#### EXEMPTION FROM BURNING BAN

- 6.0 Any request for an exemption from the Burning Ban must be provided in writing 14 days in advance to Council for a decision.

OFFENSE AND PENALTIES

- 7.0 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 \$100.00 or not more than \$1,000.00.
- 7.1 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.
- 7.2 This By-law shall come into force and take effect on the passing thereof.

DONE AND PASSED as a by-law of The Rural Municipality of Piney, in Vassar, in the Province of Manitoba, this 23<sup>rd</sup> day of June, A.D., 2015.

The Rural Municipality of Piney

Originally Signed

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Wayne Anderson  
Reeve

Originally Signed

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Martin Van Osch  
Chief Administrative Officer

Read a first time this 9<sup>th</sup> day of June, A.D., 2015.  
Read a second time this 23<sup>rd</sup> day of June, A.D., 2015.  
Read a third time this 23<sup>rd</sup> day of June, A.D., 2015.