

## RURAL MUNICIPALITY OF WHITEHEAD

### Fire Prevention and Control By-Law

#### By-Law No. 2018-06

**Being a by-law of the Rural Municipality of Whitehead to provide for the prevention and the control of wildland fires within the Rural Municipality of Whitehead.**

#### 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.

**Nuisance Burning:** the burning in the open of tires, plastics, rubber, creosote soaked, or pressure treated wood, oil products, manure, and refuse. This shall not be so interpreted to include non-recyclable farm operation related products, or gas, charcoal, wood barbecues, or devices used for the preparation of food or Yard Waste Burning.

**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.

**Residential:** lots located within the Village of Alexander, Village of Kemnay or Hamlet of Beresford

**Rural Residential:** Lots that are between 1 and 10 acres and may, but are not necessarily, in a more densely populated area. Examples of this would be Whitetail, Dungannon Estates, Spring Park, Mistal Drive.

**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.

**Yard Waste Burning:** the outdoor burning of yard vegetation waste which includes leaves, small branches, and dried garden vegetation.

**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 with the Rural Municipality of Whitehead.

**WHEREAS** subsection 232(1) of the Act provides that a council may pass by-laws for municipal purposes respecting the following matters:

- (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 statutes as they may apply

**NOW THEREFORE the Council of the Rural Municipality of Whitehead, duly assembled, enacts as follows:**

#### **PART I: DELEGATION OF AUTHORITY**

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

## **PART II: BURNING PERMIT REQUIREMENTS**

1. That no person shall start an **Outdoor Fire** within the boundaries of the Rural Municipality of Whitehead without first obtaining a **Burning Permit** from the Rural Municipality of Whitehead.
2. All burning within the municipality shall be subject to the conditions and provisions of **The Wildfires Act**, and the **Manitoba Crop 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 means of fire suppression capable of extinguishing the **Outdoor Fire** shall be available.
  - g) All fires must be adequately supervised.

## **PART III: RESPONSIBILITIES OF PERMIT HOLDER**

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.
2. Nuisance Burning is not permitted within the Municipality.

## **PART IV: EXEMPTION FROM BURNING PERMIT**

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) 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 (i.e. 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.

2. Yard Waste Burning in Residential, Rural Residential or Farm Yard Sites in the spring and fall in a barrel, provided the burning does not interfere with the use and enjoyment of other premises and further provided that an adult person tends the fire until completely extinguished.
3. The Municipal Waste Disposal Site is excluded from the provisions of this Bylaw, as they are regulated by their Operating Permits for burning on site.

#### **PART V: BURNING BAN**

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 Whitehead 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. A Burning Ban revokes all burning permits issued.

#### **PART VI: OFFENSE AND PENALTIES**

1. Every person who contravenes or refuses, neglects, omits, falls to obey or observe any provision of this By-law is guilty of an offence and liable on summary conviction to a fine of \$500, plus court costs
2. Every day that person is not in compliance with the provisions of this By-law shall be deemed a separate offence.
3. Where a person is in contravention under this By-law, in addition to imposing a fine, the municipality is also 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.

#### **PART VII: REPEAL**

1. That By-law No. 1970, and all related by-laws and amendments thereto are hereby repealed.

**DONE AND PASSED by the Council of the Rural Municipality of Whitehead duly assembled this 8<sup>th</sup> day of June, 2018.**

**Rural Municipality of Whitehead**

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Reeve

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Chief Administrative Officer

**Read a first time this 12<sup>th</sup> day of April , A.D. 2018.**

**Read a second time this 8<sup>th</sup> day of June, A.D. 2018.**

**Read a third time this 8<sup>th</sup> day of June, A.D. 2018.**