

RURAL MUNICIPALITY OF WALLACE-WOODWORTH

BY-LAW NO. 4-2019

**Being a By-Law of the Rural Municipality of Wallace-Woodworth
for the prevention and control of fires and burning within the
Rural Municipality of Wallace-Woodworth.**

WHEREAS it is deemed expedient and advisable to pass a Bylaw to provide generally for the protection of life and property from damages by fire and to regulate burning within The Rural Municipality of Wallace-Woodworth; and

WHEREAS Section 232(1) of *The Municipal Act* provides that a Council may pass Bylaws 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 statutes as they may apply.

NOW THEREFORE the Council of the Rural Municipality of Wallace-Woodworth, in Council duly assembled, enacts as follows:

1.0 SHORT TITLE

1.1 THAT this Bylaw be referred to as "*The Burning Bylaw*".

2.0 DEFINITIONS

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

2.2 **Barbecue:** a small contained fire that is set in a barbecue, grill, or similar device used to cook food (including propane, gel, or natural gas solid burning appliances eg. fire pit tables, patio heaters).

2.3 **Bonfire:** a fire built in the open air that is kindled by dry firewood.

2.4 **Designate:** any person authorized by the AHJ to enforce this Bylaw on behalf of the AHJ.

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

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

2.7 **Open Burning:** the outdoor burning of combustible material where smoke is allowed to discharge into the open air from the ground, or other burning device, but does not include the burning of a Bonfire.

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

2.9 **Restricted Yard Waste Burning:** the outdoor burning of branches but does not include the burning of leaves or dried garden vegetation.

2.10 **Nuisance Burning:** the burning in the open of tires, plastics, rubber, creosote soaked or pressure treated wood, oil products, manure, and refuse, or devices used for the preparation of food or Yard Waste Burning (not including Barbeque as defined in 2.2).

2.11 **Fire Receptacle:** the receptacle must be enclosed on all sides, constructed of masonry, concrete, heavy gauge metal or other non-combustible materials so they appropriately contain a fire.

3.0 DELEGATION HAVING AUTHORITY

- 3.1 THAT the Authority Having Jurisdiction, Chief Administrative Officer, or designate of the Rural Municipality of Wallace-Woodworth, be appointed as Officers for the purpose of enforcing Provincial statutes, regulations, as well as this Bylaw.

4.0 RESPONSIBILITIES

- 4.1 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*.

- 4.2 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. Outdoor Burning Boilers used as a heat source for a building are permitted.
- c. 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.
- d. 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.
- e. 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, of not less than 50 feet;
 - ii. By natural or man-made barriers, water; or
 - iii. By a combination of (i) and (ii).

Note: Prior to burning crop or stubble between August 1 to November 15 annually ratepayers are advised to check with the Manitoba Controlled Crop Residue Burning Program for daily burning authorizations in the Province of Manitoba.

- f. 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.
- g. 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.
- h. All fires must be extinguished when unsupervised.

5.0 PROVISIONS

5.1 THAT burning within the Municipality shall be as set out on the following table, and shall be prohibited where marked with an “X”, and shall be permitted where marked with a “P”.

| | Nuisance Burning | Open Burning | Bonfire/Barbecues | Yard Waste Burning | Restricted Yard Waste Burning |
|----------------------------------------------------------------------------------|------------------|--------------|-------------------|--------------------|-------------------------------|
| Burning within the limits of the Municipality – <i>except as indicated below</i> | X | P | P | P | P |
| Elkhorn LUD | X | X | P | P | X |
| Eternal Springs - Recreational Area | X | X | P | P | X |
| Harding – Residential Area | X | X | P | P | X |
| Hargrave – Residential Area | X | X | P | P | X |
| Kenton Dam - Recreational Area | X | X | P | P | X |
| Kenton LUD | X | X | P | P | X |
| Kirkella – Residential Area | X | X | P | P | X |
| Kola – Residential Area | X | X | P | P | X |
| Lenore – Residential Area | X | X | P | P | X |
| Salt Lake - Recreational Area | X | X | P | P | X |

5.2 THAT with exception to Bonfire(s) and Barbecue(s), burning shall be restricted to daylight hours.

5.3 THAT with the exception to Bonfire(s) and Barbecue(s) any person wishing to set a fire in accordance with this Bylaw shall notify the Fire Department nearest them of the time, date, and location of the fire, and shall in addition notify the Fire Department when the fire has been extinguished.

5.4 THAT any person setting a fire in accordance with this Bylaw shall not leave the permitted fire unattended at any time while it is burning or smoldering, and shall ensure that sufficient appliances and equipment are at the site to prevent the fire from getting beyond control, or causing damage, or becoming dangerous at the fire site.

5.5 THAT any person setting a fire in accordance with Section 4.2 shall take into consideration such factors as:

- a. the proximity of adjacent buildings, combustible materials, and woodlands;
- b. the site and height of the combustibles to be burned;
- c. prevailing wind direction and velocity; such that no nuisance to any neighboring resident and/or highway occurs.

5.6 THAT all Federal and Provincial legislation shall take precedent over this By-law.

6.0 EXCLUSIONS

6.1 THE Municipal Waste Disposal/Nuisance Grounds are excluded from the provisions of this Bylaw, as they are regulated by their respective Operating Permits for burning on site, in specific situations only and as per the terms of the operating permit(s).

7.0 BURNING BAN

7.1 THE Reeve, or in the absence of the Reeve, the Deputy Reeve, may at his or her discretion, ban BURNING (including in some cases, fires contained within fire pits, and solid fuel burning appliances) in the Rural Municipality of Wallace-Woodworth, 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. Burning Bans for the Municipality will be based on a three tier “level of danger” as outlined in the following table. The “level of danger” is to be determined with input from the local Fire Chief(s) and Municipal Administration. Fire Bans may be downgraded once the trend of dropping levels of danger develops.

Levels of Danger – Fire Bans

| | Open Burning | Barbeques | Bonfires <small>(in an approved fire receptacle?)</small> | Yard Waste Burning | Restricted Yard Waste Burning |
|----------------|-------------------------|------------------|-------------------------------------------------------------------------|-------------------------------|------------------------------------------|
| Level 1 | B | A | B | B | B |
| Level 2 | B | B | B | B | B |

A = Allowed
B = Banned

8.0 OFFENSE AND PENELATIES


8.1 IT is an offense to contravene any provisions of this Bylaw. Any conviction of an offense is subject to a penalty of not less than \$250.00, or not more than \$1,000.00.

8.2 WHERE a person is in contravention under this Bylaw, 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.

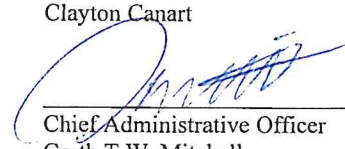
9.0 Repeal

9.1 THAT this By-law will take effect on August 27th, 2019, and that By-law No. 06-2016 is hereby repealed, effective third reading of this By-law.

DONE AND PASSED by Council of the Rural Municipality of Wallace-Woodworth, in open Council assembled, at Virden, in the Province of Manitoba, this 27th day of August, 2019.



Recve
Clayton Canart



Chief Administrative Officer
Garth T.W. Mitchell

Given first reading this 13th day of August, 2019 A.D.
Given second reading this 27th day of August, 2019 A.D.
Given third reading this 27th day of August, 2019 A.D.

NOTIFICATIONS

Once a burning ban is implemented and when lifted, a timely media release concerning the fire ban details will be implemented by Municipal Staff:

1. Post a notice on the Municipal Website, Facebook, Instagram, and Twitter pages and at all Municipal Offices (Virden, Elkhorn and Kenton), and all Post Offices within the Municipality.
2. Email all Council, Staff (including the By-law Enforcement Officer), local Fire Departments and Surrounding Municipalities
3. The Municipality will advertise as soon as possible in the following newspapers:
 - Virden Empire Advance
 - News in a Minute
4. The following radio stations will be notified to release the Fire Ban information:
 - CJ103
 - Boissevain CJRB
 - 101.1 Pure Country
 - 94.7 Star FM
 - 91.5 QCountry
5. Email the Province of Manitoba at firecomm@gov.mb.ca requesting the ban be posted on the current Municipal Burning Restrictions webpage.
6. Notify the Kola, Hargrave and Kenton Nuisance Grounds
7. Post burning ban signage at the following locations:
 - Elkhorn and Virden Lions Campgrounds
 - Eternal Springs
 - Salt Lake
 - Kenton Dam