

THE MUNICIPALITY OF STANLEY

BY-LAW NO. 7-19

A by-law of the Municipality of Stanley to regulate outdoor fires.

WHEREAS:

- A. Section 232 (1) of the Municipal Act ("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, and the safety and protection of property;
 - (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;
 - (i) preventing and fighting fires;
- B. Section 236(1) of the Act provides that, without limiting the generality of 232(1)(o)(enforcement of by-laws), a by-law passed under that clause may include provisions
- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
 - (b) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act;
- C. Council is of the opinion that it is in the public interest that outdoor fires should be regulated and controlled to protect the safety of people and property.

NOW THEREFORE the Council of the Municipality of Stanley enacts as a by-law the following:

1. This By-Law may be referred to as the Outdoor Fire By-law.

Definitions

2. In this By-law:

"approved fire receptacle" means a fire pit, outdoor barbeque, outdoor fireplace or outdoor warming fire device that meets the requirements set out in section 5;

"fire chief" means the person(s) appointed by the Municipality as its fire chief(s), the deputy fire chief(s), and a person delegated the authority of the fire chief;

"outdoor fire" means a fire that is started outdoors for any purpose; does not include outdoor solid fuel appliance;

"fire ban" means an outdoor fire prohibition made by order under section 10 of this By-law; and

"owner" means a person who

- a. is the owner of an estate in fee simple in land that is subject to the Real Property Act,
- b. is the owner of an estate in fee simple in land that is not subject to the Real Property Act and who is the grantee named in a valid conveyance of land that is registered under the Registry Act, or
- c. is the registered owner of a unit under the Condominium Act.

Prohibition

3. No person shall within the Municipality set an outdoor fire, and no owner or occupant of any property may permit an outdoor fire to be set or to remain lit on the property.
4. Section 3 does not apply to
 - a. an outdoor fire that is conducted in accordance with this by-law.
 - c. portable barbeques that are fuelled, operated and maintained in conformance with the manufacturer's instructions.
 - d. appliances that are approved by the Canadian Gas Association (CGA), are installed, operated and maintained in conformance with the manufacturer's instructions, and are fuelled by propane or natural gas.
 - e. fires permitted by the Municipality in fire pits, barbeques or fireplaces in campgrounds or parks owned by the Municipality.
 - f. burning conducted by the Municipality.
 - g. an outdoor fire authorized by permit under this By-law.
 - h. an incinerator as defined in the Environment Act and registered with the department under the Environment Act regulations.

Approved fire receptacle

5. An approved fire receptacle shall:
 - a. be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials so as to appropriately contain a fire;

Outdoor fire requirements

6. A person setting or responsible for an outdoor fire, and an owner or occupant of a property where outdoor fires are permitted under this By-law shall ensure:
 - a. the outdoor fire is always kept under control and is of a size and type that is in keeping with the area;
 - b. the outdoor fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished;
 - c. the weather conditions are conducive to an outdoor fire not burning out of control; and not causing unreasonable discomfort or nuisance for neighbors;
 - d. materials being burned are dry and do not cause excessive and unreasonable smoke creation negatively impacting neighboring properties;
 - e. reasonable steps are taken to prevent the outdoor fire from spreading including an adequate supply of water, sand or some other means of controlling and extinguishing the outdoor fire is readily accessible;
 - f. the outdoor fire is not set or maintained in conditions or locations which will or could result in:
 - (i) reduced visibility on any highway or road;
 - (ii) a rapid spread of fire through grass or brushed area;
 - g. outdoor fires are to be on an intermittent and infrequent basis, not a continual length of time and must be completely extinguished after dusk with the exception of recreational fires which may continue after dusk;
 - h. the outdoor fire is maintained a minimum of 25 feet, as measured from the nearest edge of the outdoor fire, from any combustible buildings or structures, combustible trees and overhead wires, and 10 feet from a property line. Fire receptacles are to be located on the other owner's property within 10' of the property line and not located within the front yard of the property;

- i. hazardous materials are not permitted to be burned including plastics, diapers, tires, insulation and other hazardous waste items;
 - j. any burning of household waste, garbage or other refuse is to be completed within a fire receptacle which contains an appropriate spark arrestor to eliminate debris and ash from leaving the burn area;
 - k. seasonal burning of leaves, branches and the like must be conducted within a non-combustible environment so as to avoid the spread of the fire;
 - l. outdoor fires are to be extinguished immediately if smoke interferes with neighbors or ordered by the Fire Chief with enforcement measures being implemented as per this by-law.
7. For an outdoor fire used for agricultural purposes, no person shall set, and no owner or occupant of any property may permit the outdoor fire to be set or to remain to guard property, clear land, or burn debris, crops or stubble, unless the land on which the outdoor fire is started is completely surrounded by a strip of land not less than 20 feet wide, and
- a. the strip is free of inflammable material of sufficient width to control the fire; or
 - b. by natural or man-made barriers, water, or
 - c. by a combination of (i) and (ii)

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

Permit

8. Where the fire chief is of the opinion that unusual circumstances warrant permitting a person to have an outdoor fire otherwise prohibited under this By-law, the fire chief may, on application by an owner or occupier of land, issue a permit to have an outdoor fire on that land subject to such terms or conditions as the fire chief considers advisable and sets out in the permit.
9. The fire chief may amend, vary, suspend or revoke a permit on notice to the holder of the permit.

Fire ban

10. Where the fire chief is of the opinion that circumstances in the Municipality warrant, the fire chief may make an order prohibiting any type of burning activities (including outdoor fires, fires contained within fire receptacles and solid fuel burning appliances) for the period of time specified in the order. A fire ban comes into force at the time set out in the order and affects the area specified in the order. Immediately following making the order, the fire chief shall make reasonable efforts to give notice of the order by means including notice to the Municipality, broadcast by radio or television, or reference to or posting on social media.
11. A fire ban remains in place for the period set out in the order, unless terminated sooner by the fire chief.
12. No person shall set a fire, and no owner or occupant of any property may permit a fire to be set or to remain lit on the property while a fire ban is in place.

Enforcement

13. Council may appoint an enforcement officer for the purposes of this By-law, who may conduct inspections and take steps to administer and enforce this By-law or to remedy a contravention of this By-law, and for those purposes shall be a designated officer and have the powers of a

designated officer under the Act, a by-law enforcement officer under the Municipal By-law Enforcement Act, and of an enforcement officer under the Provincial Offences Act. The person appointed as the Municipality's fire chief shall have these same powers.

14. Where the Municipality's fire department responds to a call concerning an outdoor fire, and in the fire chief's opinion the outdoor fire was not taking place in compliance with this By-law, the person who set the outdoor fire, and the owner or occupant of any property who permitted the outdoor fire are responsible for any costs associated with or resulting from extinguishing the outdoor fire. Such amount is a debt owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.
15. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.

Transitional

16. By-law No. 7-15 of Rural Municipality of Stanley, is hereby repealed.

DONE AND PASSED, in the Rural Municipality of Stanley, Manitoba this 22nd day of May, 2019.

Reeve

Chief Administrative Officer

READ A FIRST TIME this 9th day of May, 2019.

READ A SECOND TIME this 22nd day of May, 2019.

READ A THIRD TIME this 22nd day of May, 2019.