

## RURAL MUNICIPALITY OF ST. CLEMENTS

### BY-LAW NO. 5-2012

Being a By-Law of the Rural Municipality of St. Clements for the prevention and the control of fires within the Rural Municipality of St Clements.

WHEREAS Section 232 (1)(a) and (i) of *The Municipal Act*, L.M. 1996, c.58 Chap. M225 provide as follows:

- 232 (1) A Council may pass by-laws for municipal purposes respecting the following:
- (a) The safety, health, protection and well being of people, and the safety and protection of property;
  - (i) Preventing and fighting fires;

AND WHEREAS the Council of the Rural Municipality of St. Clements deems it desirable and in the best interest of the municipality to reduce the potential for uncontrolled fires and to put in place controls for Controlled Fires;

AND WHEREAS the Council of the Rural Municipality of St. Clements deems it desirable to regulate the use of Outdoor fire Pits and Outdoor Solid Fuel Appliances;

NOW THEREFORE the Council of the Rural Municipality of St. Clements in session duly assembled enacts as follows:

This By-Law may be referred to as "The Rural Municipality of St. Clements Burning By-law".

#### Definitions:

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.

1. No person unless specifically permitted through this by-law or an Authority Having Jurisdiction, shall set or start an outdoor fire within the boundaries of the Rural Municipality of St. Clements unless it is conducive to do so.
2. Outdoor fire pits as well as outdoor solid fuel appliances may be constructed and used, for recreational purposes only, providing that:
  - (a) The outdoor fire pit or outdoor solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials.

- (b) The outdoor fire pit or solid fuel appliance shall be covered with a noncombustible grate or mesh. If the outdoor fire pit or solid fuel appliance is equipped with a chimney, it shall have a noncombustible mesh or spark arrester installed.
- (c) The outdoor fire pit or outdoor solid fuel appliance shall be located on a flat, level and noncombustible base and clear of overhangs, such as roofs, tree branches, or utility wires.
- (d) A minimum clearance of 10 feet or 3 meters 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) Outdoor solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least 10 feet or 3 meters.
- (f) When in use, the fire pit must be attended by a responsible adult person until the fire has been fully extinguished.
- (g) Fires in outdoor fire pits and outdoor solid fuel appliances are not permitted under severe wind conditions or when atmosphere or local circumstances make such fires a hazard.
- (h) Only clean, dry wood or briquettes can be burned in outdoor fire pits or outdoor solid fuel appliances. Fires cannot be used to burn garbage, rubbish, previously painted or treated wood and any fuel which when burned, may result in the release of dense smoke, or offensive odors.
- (i) A means of extinguishment such as a portable fire extinguisher or garden hose shall be available on site. Fires must be extinguished before leaving the site.
- (j) Smoke from outdoor fire pits and outdoor solid fuel appliances shall not impact on neighboring properties by releasing offensive odors that are annoying, unpleasant or a nuisance.
- (k) All fires must be limited in size so the available firefighting resources at hand may easily control them.

3. 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 condition;

- (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.

4. If, in the opinion of the Fire Chief, it is not conducive to have an outdoor fire, the Fire Chief can direct the fire to be extinguished.

5. Nothing in this By-Law permits or authorizes a person to use a fire pit in a manner that creates a nuisance to any other person.

6. Nothing in this By-Law is intended to interfere with or prohibit the burning of agricultural residue regulated by the Burning of Crop Residue Regulation under *The Environment Act*.

7. 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 St. Clements if conditions exist where, in the opinion of the municipality, fires are of risk, and such a ban would prevent wildfires from occurring.

8. The municipality may claim costs where the Fire Department is called to extinguish a fire, which has been set in contravention of this By-Law.

9. The cost of fighting and extinguishing a fire that was set in contravention of this by-Law may be charged to the property owner at a rate of \$500 per hour or part thereof.

10. All costs imposed to extinguish a fire that was set in contravention of the By-Law, are a debt owed by the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

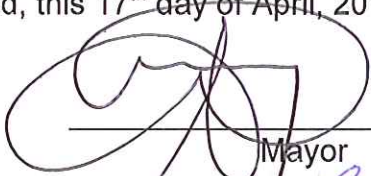
11. Any person who contravenes a provision of this by-law is committing an offence and liable on conviction to payment of a fine of not less than:

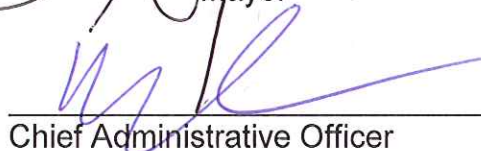
- a) \$100.00 for the first offence
- b) \$200.00 for the second offence
- c) \$300.00 for the third offence
- d) \$500 for each subsequent offence.

12. All fines and costs imposed on a prosecution under this By-Law, are a debt owed by the person who set the fire and the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in a court of competent jurisdiction or may be collected by the municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

13. This By-law shall come into force and take effect on the passing thereof.

DONE AND PASSED in Council assembled, this 17<sup>th</sup> day of April, 2012.

  
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Mayor

  
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Chief Administrative Officer

Read a first time this 27<sup>th</sup> day of March, A.D. 2012  
Read a second time this 17<sup>th</sup> day of April, A.D. 2012  
Read a third time this 17<sup>th</sup> day of April, A.D. 2012