

**RURAL MUNICIPALITY OF ELTON
BY-LAW NO. 1455**

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ELTON for the prevention and the control of wildland fires within the Rural Municipality of Elton.

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 Elton.

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 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 statues as they may apply

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF ELTON IN SESSION ASSEMBLED, ENACTS AS FOLLOWS:

Definitions:

Council: the Municipal Council and the duly appointed agents thereof.

CAO: the Chief Administrative Officer of the Municipality.

Designate: any person authorized by the Municipality to enforce this By-law on behalf of the Municipality.

Municipality: the Rural Municipality of Elton.

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

Outdoor Fire: a fire that is started outdoors including but not limited to crop residue burning, land clearing and grass burning.

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 Municipality.

Delegation of Authority

1. THAT the Municipality, CAO or designate of the Municipality be appointed as Officers for the purpose of enforcing provincial statues and regulations as well as this By-law.

Responsibilities

2. 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*.
3. 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 first notifying the appropriate fire department for that area that they are undertaking a controlled burn and should not respond unless they request assistance, providing their contact information, and further provide notification to the responding department following the end of the controlled burn.
 - 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
 - ii) by natural or man-made barriers, water, or
 - iii) by a combination of (i) and (ii).
 - 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.

Burning Ban

- 4. Council may by some form of a written vote of majority of council members, either in person or electronically, at their discretion, at any time enact or remove a ban for **ALL BURNING** (including fires contained within fire pits and solid fuel burning appliances) in the Municipality 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 Permits

- 5.
 - a) Notwithstanding any other provision of this By-law, the Council may make resolution to invoke the requirement to obtain a burning permit prior to lighting a fire in any area of the Municipality and Council may further revoke or prohibit the issuance of burning permits as it sees fit.
 - b) If a fire ban is in place, no person shall light a fire in any area of the Municipality without first obtaining a permit for the intended burning from the Municipality.
- 6. The burning permit shall be in the form set forth in Schedule "A" attached to this By-law.
- 7. No person shall burn straw unless that person intending to burn such straw created a strip of land at least 50 feet in width for a firebreak between the area to be burned and:
 - a) The Municipality road allowance; or
 - b) Any uncultivated lands contiguous to the area to be burned off; or
 - c) The common boundary shared by the area to be burned off and other lands, whether cultivated or not.
- 8. Where part of the land upon which burning of grass, underbrush, straw or other waste material is contemplated is occupied by buildings, planted trees, or baled hay or straw, no permit shall be issued unless the applicant therefore has:
 - a) Provided a firebreak between the area where burning will take place, and contiguous areas;
 - b) Provided for adequate personnel to tend the burning;
 - c) Provide information of the date when, the period of time during which, and the location where the intended burning will occur.
- 9. Notwithstanding the granting of a permit for burning or for burning of straw without a permit, no person shall light a fire when;
 - a) Wind velocity is in excess of 32 kph (20 mph);
 - b) Wind direction is such that smoke from the burning will drift across a Provincial Trunk Highway, Provincial road or any Municipality road in the vicinity and obstruct visibility thereon.
- 10. No person shall:
 - a) Light a fire, bonfire, roast or in a barbeque, fireplace or indoors, without having suitable container and supervised at all times; or
 - b) Burn garbage in a container, unless it is suitable for that purpose providing that the wind velocity does not exceed 32 kph (20 mph); or
 - c) A minimum clearance of 3 meters (10 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees and hydro poles. A minimum distance of 3 meters (10 feet) shall be maintained from neighbouring property lines.

Offense and Penalties

- 11. 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 as provided below plus court costs, or to imprisonment for a term not exceeding one (1) month, or to both such fine and costs and imprisonment. Every day that person is not in compliance with the provisions of this By-law shall be deemed a separate offence.

First offence	\$ 250.00
Second offence	\$ 500.00
Third and subsequent offence	\$1,000.00

- 12. Where a person is in contravention under this By-law, in addition to imposing a fine and costs, 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.

13. Any person who hinders or obstructs the Designated Officer in the exercise of his duty is guilty of an offence and liable on summary conviction to a fine of not less than \$250.00 or more than \$1,000.00 and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

Other

14. Any section(s) or provision(s) of any By-law of the Municipality prior to the date of passing this By-law that are inconsistent with the provisions of this By-law are herewith repealed.
15. If any provision of this By-law is adjudged invalid by a court of competent jurisdiction, the judgment shall not be construed to invalidate the remaining provisions of this By-law.
16. This By-law shall come into force and effect immediately upon the passing thereof.

DONE AND PASSED AS A BY-LAW BY THE COUNCIL OF THE RURAL MUNICIPALITY OF ELTON IN OPEN SESSION ASSEMBLED this _____ day of _____, 20 _____.

RURAL MUNICIPALITY OF ELTON

Reeve

Chief Administrative Officer

Read a First time this "8th" day of "January", 2013.

Read a Second time this _____ day of _____, 20____.

Read a Third time this _____ day of _____, 20____.

SCHEDULE "A"

Date: _____

Name: _____

Address: _____

Telephone No. (_____) _____

Time/Period of Burning: _____

Legal Description for Proposed Burning: _____

I hereby apply for a permit to burn _____
during the period and at the place set forth above.

I understand that I am not permitted to light an open fire if wind velocity exceeds 32 kph (20 mph) or if wind direction is unfavourable.

I will take such steps as By-law No. 1455 of the Rural Municipality of Elton and any amendments thereto requires, including preparation of a fire guard around the permit of the area being burned and employment of sufficient personnel to control the burning.

I will adhere to all provisions of By-law No. 1455 of the Rural Municipality of Elton and any amendments thereto.

I understand that if I should fail to do all that I have herein undertaken and the fire escapes from my property, I may be responsible for all costs incurred by the Rural Municipality of Elton in fighting the fire, and any losses arising therefrom to public or private property.

Witness

Signature of Applicant

For Municipal Use Only:

Approval of this application granted this _____ day of _____, 20_____.

Print Name of Designated Officer

Signature of Designated officer