

RURAL MUNICIPALITY OF OAKVIEW

By-Law No. 2017-7

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF OAKVIEW
FOR THE PREVENTION AND CONTROL OF FIRES AND BURNING WITHIN
THE RURAL MUNICIPALITY OF OAKVIEW

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 Oakview.

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 wellbeing 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 Oakview, in Council duly assembled, enacts as follows:

1.0 SHORT TITLE

- 1.1 THAT this by-law be referred to as "*THE BURNING BY-LAW*".

2.0 DEFINITIONS

THAT unless the context otherwise requires, where used in this By-law:

- 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.
- 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 By-Law on behalf of the AHJ
- 2.5 **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*
- 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. This shall not be so interpreted to include gas, charcoal, wood barbecues or devices used for the preparation of food or Yard Waste Burning.

3.0 DELEGATION HAVING AUTHORITY

- 3.1 THAT the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Rural Municipality of Oakview be appointed as Officers for the purpose of enforcing provincial statues, regulations as well as this By-law.

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) 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.

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/ Barbecue	Yard Waste Burning	Restricted Yard Waste Burning
Burning Within The Limits of the Municipality (Except as indicated below)	X	P	P	P	P
Basswood	X	X	P	X	X
Cardale	X	X	P	X	X
Oak River	X	X	P	X	X
Rapid City	X	X	P	X	X

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

5.3 THAT with exception to Bonfire(s) and Barbecue(s), any person wishing to set a fire in accordance with this By-law 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 By-law shall not leave the permitted fire unattended at any time while it is burning or smouldering 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 3.1 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 neighbouring resident and/or highway occurs.

6.0 BURNING BAN

6.1 THE Reeve, Deputy Reeve and/or the Fire Chiefs may at his or her discretion, ban ALL BURNING (including fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of Oakview 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.

7.0 OFFENSE AND PENALTIES

- 7.1 IT is an offense to contravene any provisions of this By-law. Any conviction of an offence is subject to a penalty of not less than:
 - a) First offence; Two Hundred and Fifty dollars (\$250.00)
 - b) Second offence; Five Hundred dollars (\$500.00)
 - c) Third and subsequent offence; One Thousand dollars (\$1,000.00)

7.2 WHERE a person is in contravention under this By-law, 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.

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

DONE AND PASSED in Council assembled, this 26th day of September, 2017.

signed by Brent Fortune
Reeve

signed by Diane Kuculym
C.A.O.

Read a first time this 14th day of September, 2017.
Read a second time this 26th day of September, 2017.
Read a third time this 26th day of September, 2017.