



RURAL MUNICIPALITY OF WEST INTERLAKE

BY-LAW NO. 12-2021

BEING A BY-LAW OF THE RM OF WEST INTERLAKE TO REGULATE BURNING WITHIN THE MUNICIPALITY.

WHEREAS Sections 232 AND 264 to 270 of The Municipal Act requires that every municipality must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of firefighting equipment and a fire protection force.

AND WHEREAS, The Rural Municipality of Siglunes has amalgamated with the Rural Municipality of Eriksdale effective January 1st, 2015 under Regulation 144/2014 to form the Rural Municipality of West Interlake;

NOW THEREFORE the Council of the RM of West Interlake, in open council assembled enacts as follows:

PART 1: DEFINITIONS

Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning and effect as they have in *The Municipal Act*, and in the Code.

In this by-law:

BURNING PERMIT permit issued regulating outdoor and open air burning in burn permit areas.

CAO the Chief Administrative Officer of the municipality.

DESIGNATED OFFICER means the Fire Chief, acting Fire Chief, deputy Fire Chief, or the responsible municipal, provincial, or Federal official with legal authority for controlling the subject referred to including, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors

Code means the Manitoba Fire Code being regulations No. 163/98 of The Fires Prevention and Emergency Response Act, R.S.M. 1987, c.F80, C.C.S.M. F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.

Council means the council of The RM of West Interlake

Department means the fire station or district within the Municipality.

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

FIRE CHIEF means the Fire Chief for the Municipality and anyone acting or authorized to act on his behalf.

Member means a firefighter or EMS provider or first responder engaged by the Municipality and includes a Member who is an officer.

Municipality means The RM of West Interlake.

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.



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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.

OWNER in relation to real property, includes a person who is the owner of a freehold estate in the real property, including

- (a) The person identified on the certificate of title as a sole owner, joint tenant, or tenant in common of a freehold estate;
- (b) a person who is registered under The Condominium Act as the owner, as defined in the Act, of a unit under that Act;
- (c) a real owner, as defined in subsection 1(1) of the Municipal Assessment Act;

And further includes a person who is responsible for the real property and any person:

- (a) Managing a building, whether on his or her own account or as agent or trustee of any other person;
- (b) Who is receiving, is entitled to receive or would receive the rent for the building if the building were rented;
- (c) Who, despite having sold the real property under an agreement for sale, has paid any real property taxes on the property after the effective date of the agreement;
- (d) For the time being receiving installments of the purchase price of a property sold under an agreement for sale whether on his or her own account or as an agent or trustee of any other person; and
- (e) Who would receive the installments of the purchase price if such land or premises were sold under an agreement for sale;

PERSON includes a firm, partnership, association or other body, whether incorporated or unincorporated;

PROPERTY means the total of all contiguous land described in a single certificate of title;

SUITABLE CONTAINER or ENCLOSED FIRE PIT or RECEPTACLE means an area or container enclosed on all sides made of noncombustible materials that is a minimum of 12" in height or depth. The ground around the receptacle be maintained and kept free of combustibles that could contribute to fire spread. Used for the purpose of leisure campfires and the burning of natural, untreated wood logs not extending beyond container.(removed the 3 foot buffer)

WILDFIRE SEASON means 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 AHJ.

PART 2: DELEGATION OF AUTHORITY

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



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PART 3: BURNING PERMIT REQUIREMENTS

- 3.1 THAT no person shall start an Outdoor Fire within the boundaries of the Rural Municipality of West Interlake, at any time throughout the year without first obtaining a Burning Permit, from the Rural Municipality of West Interlake municipal office; Schedule A.
- 3.2 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, including but not limited to, the following conditions, and those conditions specifically set out within the Burning Permit.

- 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.

PART 4: RESPONSIBILITIES OF PERMIT HOLDER

- 4.1 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.

PART 5: EXEMPTION FROM BURNING PERMIT

- 5.1 Fires that are set in an outdoor fire pit or solid fuel burning appliance, set for cooking or warmth and would normally be considered a campfire, are for the purposes of this By-law, exempt



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from a Burning Permit, but must adhere to the following conditions:

- (a) Any fire that is set in a fire pit or solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials.
- (b) The fire pit or solid fuel appliance shall be covered with a non-combustible grate or mesh. If the fire pit or solid fuel appliance is equipped with a chimney, it shall have a noncombustible mesh or spark arrester installed.
- (c) The fire pit or solid fuel appliance shall be located on a flat, level and noncombustible base clear of overhangs, such as roofs, tree branches, or utility wires.
- (d) A minimum clearance of 10 meters, measured from the nearest fire pit edge is maintained from any structures or any combustibles (ie. fences, trees, hydro poles) and property lines.
- (e) Solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least 10 meters.
- (f) All Burning Permits are copied to the respected Fire Chief of their designated area.
- (g) All Permittees are required to receive verbal permission from the respected Fire Chief.
- (h) At their discretion, the Fire Chief may ask for an inspection of the permit and burn area prior to ignition.

PART: 6 BURNING BAN

- 6.1 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 West Interlake 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.
- 6.2 Burning Bans shall be rescinded by the CAO with concensus of Council.

PART 7: 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 as listed in Schedule B herein.
- 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 The Municipality may refuse the issuance of a permit if the person has repeated offences.



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PART 8: REPEAL AND ENACTMENT

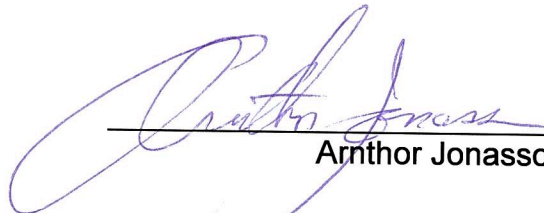
- 8.1 Any other unrepeated Fire Service By-Law be hereby repealed.
- 8.2 This by-law shall come into force and take effect upon the passage thereof.
- 8.3 Should any provision of this by-law or the Code hereby adopted be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of the by-law and the Code independent of the elimination of any such portion as may be declared invalid

DONE AND PASSED, in Council duly assembled, in R.M. of West Interlake, Manitoba, this 8th day of June, A.D. 2021.

Read a first time this 18th day of May, 2021

Read a second time this 8th day of June, 2021

Read a third time this this 8th day of June, 2021



Arnthor Jonasson, Reeve



Courtney Roehl, CAO



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Schedule A
Burn Permit

Permit No: _____

**RM of West Interlake
Permit to Burn**

AUTHORITY IS HEREBY GRANTED TO _____ OF _____

for the following locations: _____ 1/4 Section _____ Township _____ Range _____ RM of West Interlake

to set fire and burn Grass _____ Stubble/Crop _____ Brush _____ Other _____

on the above mentioned property between the _____ day of _____ and the _____ day of _____

subject to the following conditions and the provisions of *The Wildfires Act* and *Municipal By-Law # 17-2019*

1. To keep fire under control at all times.
2. To bear responsibility for all property damage which may result from burning done under this permit.
3. To fireguard the area as required under the terms of *The Wildfires Act*.
 - Fire is surrounded by a minimum six meter wide strip of land free of inflammable material
4. No fire to be set out on any day before _____ o'clock _____ AM _____ PM
5. No fire to be set with winds over _____ km/h;
6. Yes ___ No ___ Permittee must call the Crop Residue information line daily before burning (204)745-5646
7. Permission must be granted from the Fire Chief prior to igniting.
8. The Fire Chief may request an onsite inspection, prior to approval.

Issued at _____
Signature _____ Authorized Officer _____

Date issued _____ 20__ Municipal Phone No. _____

Declaration of Permittee: I understand the conditions under which this permit is issued and agree to abide thereby. Failure to comply with conditions and provisions will lead to penalties as listed in By-Law 17-2019.

Signature of Permittee Phone Number _____

Fire Chief: _____ Phone No.: _____

Deputy Chief: _____ Phone No.: _____



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Schedule B Offences and Fines

Section No.	Offence	First Offence	Second Offence
3.1	Failure to obtain a burn permit (no fire department response)	\$100.00	\$500.00
3.2	Failure to comply with burn permit (no fire department response)	\$100.00	\$500.00
4.1	Firefighting response (with permit)	\$500.00	\$1,000.00
5.1	Firefighting response (contained pit)	\$500.00	\$1,000.00
6.1	Burning during a burn ban	\$100.00	\$500.00
6.1	Burning during a burn ban (with firefighting response)	\$1,000.00	\$2,000.00