



Town of Carman
Burning By-Law 2081

Town of Carman By-Law 2081

Being a by-law of the Town of Carman 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) 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) Remediating 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 Town of Carman enacts as a by-law the following;

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

Definitions

"**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 appointed by the Municipality as its fire chief, the deputy fire chief, and a person delegated by the authority of the fire chief;

"**outdoor fire**" means a fire that is started outdoors for any purpose'

"**outdoor fire ban**" means an outdoor fire prohibition made by order under section 22 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 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 remain to be lit on the property.

4. Section 3 does not apply to;

- a. an outdoor fire in an approved fire receptable.
- b. portable barbeques that are fuelled, operated and maintained in conformance with the manufacturer's instructions.



Town of Carman
Burning By-Law 2081

- c. appliances that are approved by the Canadian Gas Association (CGA), are installed, operate and maintained in conformance with the manufacturer's instructions, and are fuelled by propane and natural gas.
- d. fires permitted by the Town in fire pits, barbeques, or fireplaces provided as fixtures in campgrounds, or parks or lands owned by the Municipality.
- e. burning conducted by the Municipality.
- f. an outdoor fire authorized by permit under this By-law.

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.
 - b. have a spark arrestor, grille or mesh constructed of a non-combustible material, which is used to cover the entire area of the approved fire receptacle opening; and
 - c. not be used for commercial or industrial applications.

Outdoor Fire Requirements

- 6. A person setting or responsible for an outdoor fire, and or owner or occupant or a property where outdoor fires are permitted under this By-law shall ensure;
 - a. the outdoor fire is always kept under control;
 - b. the outdoor fire is always under 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,
 - d. an adequate supply of water, or sand or some other means of controlling and extinguishing the outdoor fire is readily accessible.
 - e. the outdoor fire is not set or maintained in conditions which will or could result in;
 - i) reduced visibility on any highway or road;
 - ii) a rapid spread of fire.
 - f. reasonable steps are taken to prevent the outdoor fire from spreading.
 - g. the outdoor fire is maintained a minimum of 3 metres, as measured from the nearest edge of the outdoor fire, from any combustible buildings or structures, combustible fences, property line, trees and overhead wires.
 - h. only clean, unpainted and untreated wood is burned, and no grass, leaves, brush or tree pruning's are burned, no yard waste or items that cause smoke or nuisance to neighbours.
 - i. if the outdoor fire becomes uncontrollable or spreads, the Town's fire Department must be immediately alerted by calling 911.

Permit

- 7. 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 terms or conditions as the fire chief considers advisable and sets out in the permit.
- 8. The fire chief may amend, vary, suspend or remove a permit on notice to the holder of the permit at any time.

Storage of Containers



Town of Carman
Burning By-Law 2081

9. All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing materials or other materials used or kept in any building or on any lot, shall be:

- a. So, stacked or piled as to keep them clear of windows and doors to provide for clear ingress and egress to and from any part of the premises or building;
- b. Kept away from any source of ignition; and
- c. Removed forthwith if determined to constitute a fire hazard by the Authority Having Jurisdiction from the vicinity of the windows or doors in question to such location as authorized by the Authority Having Jurisdiction.

Portable Fire Extinguishers

10. All portable extinguishers shall :

- a. Conform to the requirements of the Code and be located as required by the Code; and
- b. be maintained and/or hydrostatically tested in accordance with the requirements of the Code.

Chimney Pipes

11. All chimneys and pipes for fireplaces or woodstoves shall be installed in conformity with the Code and must be cleaned regularly to prevent a build-up of creosote. The Fire Chief may give notice to any owner requiring the cleaning of any chimney or pipe and where such order is not complied with within ten (10) days the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner of the property.

Property Maintenance

12. All buildings and properties shall be adequately maintained in order to guard against fire or risk of fire.

Lock Boxes

13. All commercial, All commercial, industrial, institutional, and multi-family buildings that have a fire alarm system or an automatic fire sprinkler system are required to have an approved lock box permanently mounted in a location acceptable to the Fire Chief. Unless otherwise stated, the acceptable location will be at the principal entrance to the building used by the Fire Department during a response to an incident.

14. An owner may contact the Fire Department for confirmation and installation instructions of an approved type of lock box. The Fire Chief may waive the requirement for a lock box if the building design does not enable the installation due to physical limitations.

15. The following conditions will apply to lock boxes:

- i. Only the Fire Chief shall open lock boxes.
- ii. Keys placed inside the Fire Department lock box will be individually identified in a method acceptable to the Fire Chief.
- iii. Owners will supply keys to provide access to:
 - A. all entry doors, service rooms and roof areas;
 - B. all doors that are locked from the exit stairs to floor areas;
 - C. permit recall and independent operation of each elevators; and
 - D. the fire safety plan box and the fire alarm system control panel, and the Fire Department operations box, if present.

Contact Persons

16. The owner of a commercial, industrial, institutional, and multi-family property with a Fire Alarm System or an Automatic Fire Sprinkler System, either monitored or unmonitored, shall provide the Fire Department a list of at least two (2) Contact Persons who are able to attend, enter and secure the property as required by this by-law or the Fire Chief. The owner shall ensure that this list is current and that the Fire Department is provided with an updated list as changes are made.

Responsibility of Contact Persons



Town of Carman
Burning By-Law 2081

A Contact Person must be able to attend to the Property within 30 minutes when requested by the Fire Department. Once the Contact Person has arrived at the Property, the Contact Person shall:

- a. contact the senior Member at the scene;
- b. be able to provide access to, or contact the person who has access to, the area of the property involved in the incident response;
- c. be able to secure, or to have the area of the property involved in the incident response, secured;
- d. perform a Fire Watch where required or assign persons to perform a Fire Watch;
- e. be authorized to contact a Fire Protection Technician to test, reset or repair the fire alarm system as necessary.

Failure of Contact Persons to attend

Where a Contact Person fails to respond to a fire alarm and attend the property within 30 minutes of the Fire Department's initial attempt to contact them, the Fire Department may use whatever means are necessary to gain entry to the property to investigate the fire alarm without payment to the owner of any compensation whatsoever for damage caused to the property caused by such forced entry.

Fire Watch Costs

17. The Fire Chief determines that a Fire Watch is necessary, the Fire Chief may contract a security company or maintain a Fire Department presence to perform a Fire Watch if the Contact Person or the Owner is unavailable or unwilling to perform a Fire Watch as directed by the Fire Chief, in which case the owner of the property shall be liable to pay to the Town within thirty (30) days of demand of same, the actual costs and expenses incurred by or on behalf of the Fire Department to perform the Fire Watch.

Fire Alarm Systems

18. Every fire alarm system shall be maintained at all times in operating condition and tested by a qualified person in accordance with the requirements of the Code.

19. During a fire alarm or sprinkler system shut-down for any reason, and where the owner or Contact Person of a building cannot be located and the fire alarm or sprinkler system will not reset under normal conditions by the Fire Department, the Authority Having Jurisdiction will contract a security guard, or such other person as the Fire Chief may appoint, to provide fire-watch service until all fire alarm or early warning or protection systems on the property have been restored to normal operating conditions. The total cost of restoration of the equipment, and related costs of hiring the electrical contractor or fire-watch service, shall be the responsibility of the owner.

Flammable/and or Combustible Liquid Storage and Storage of Hazardous Materials

21. Prior written permission from the Fire Chief shall be required for the storage of flammable and/or combustible liquids or hazardous materials in excess of the amounts specified in the Code.

Outdoor Fire Ban

22. Where the Town Council is of the opinion that circumstances in the Town warrant, the Town Council may make an order prohibiting outdoor fires and putting in place an outdoor fire ban for the period of time specified in the order. An outdoor fire ban comes into force 6 hours after it is first placed on the Town's website and posted at the Municipal office. Immediately following making the order the Town shall make reasonable efforts to give notice of the order by other means including broadcast by radio or television, or reference to posting on social media, or the Municipal Connect System.

23. An outdoor fire ban remains in place for the period set out in the order, unless terminated sooner by the fire chief.

24. No person shall 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 while an outdoor fire ban is in place.

Enforcement




Town of Carman
Burning By-Law 2081

25. 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 the purposes shall be a designated officer and have the powers of a designated officer under the Act or a By-Law officer under the By-Law Enforcement Act.


26. 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.

27. Any person guilty of a breach of this By-law shall pay the administrative penalty outlined in Schedule "A" of the Provincial Offences By-law No. 2071.

DONE AND PASSED by the Council of The Town of Carman, duly assembled at the Town of Carman, in Manitoba, this 19th day of September, 2024 A.D.



Mayor Brent Owen



Chief Administrative Officer Susan Stein

Read a first time this 3rd day of September 2024 A. D.
Read a second time this 19th day of September, 2024 A.D.
Read a third time this 19th, day of September, 2024 A. D.