



PREVENTION AND CONTROL OF WILDLAND FIRES

MUNICIPALITY OF NORTH NORFOLK

BY-LAW NO. 65/2020

BEING A BY-LAW OF THE MUNICIPALITY OF NORTH NORFOLK for the prevention and control of wildland fires within the Municipality of North Norfolk.

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 Municipality of North Norfolk;

WHEREAS Section 232(1) of *The Municipal 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;
- (i) preventing and fighting fires; and,
- (o) the enforcement of by-laws

NOW THEREFORE the Council of the Municipality of North Norfolk in session assembled, enacts as follows:

1.0 Definitions

- 1.1 **Authority Having Jurisdiction or AHJ** means the Municipal Council of the Municipality of North Norfolk and the duly appointed agents thereof.
- 1.2 **Burning Permit** means a permit issued regulating outdoor and open air burning in burn permit areas.
- 1.3 **CAO** means the Chief Administrative Officer of the Municipality of North Norfolk.
- 1.4 **Designate** means any person authorized by the AHJ to enforce this by-law on behalf of the AHJ.
- 1.5 **Officer** means 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**.
- 1.6 **Outdoor Fire** means 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.
- 1.7 **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.
- 1.8 **Fire Protection Committee** means a committee comprised of the following individuals:
 - The Mayor and/or the Deputy Mayor of the Municipality of North Norfolk;
 - Fire Chief and/or the Deputy Fire Chief for the Austin Fire Department;
 - Fire Chief and/or the Deputy Fire Chief for the MacGregor Fire Department;

2.0 Delegation of Authority

- 2.1 **THAT** the Authority Having Jurisdiction, Chief Administrative Officer, Manager of Operations, By-Law Enforcement Officer or designate of the Municipality of North Norfolk be appointed as Officers for the purpose of enforcing provincial statutes, regulations as well as this by-law.

3.0 Responsibilities

- 3.1 **THAT** all burning within the municipality shall be subject to the conditions and provisions of **The Wildfires Act**, the **Manitoba Crop Burning Residue Burning Regulation** and the Municipal By-Law regulating burning within the urban communities of North Norfolk.

- 3.2 **THAT** no person shall start an **Outdoor Fire** within the boundaries of the Municipality of North Norfolk, during the **Wildfire Season** without first obtaining a **Burning Permit** from the Municipality of North Norfolk or from one of its designated Officers.
- 3.3 **THAT** 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) natural or man-made barriers, water or
 - (iii) a combination of (i) and (ii).
 - (e) The smoke from **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.

4.0 Burning Ban

- 4.1 **THAT** the Fire Protection Committee may, at their discretion, ban certain types of burning or **ALL BURNING** (including fires contained within fire pits and solid fuel burning appliances) in the Municipality of North Norfolk if conditions exist where, in their opinion, fires are of extremely high risk, and such a ban would prevent wild fires from occurring.

5.0 Notification

- 5.1 **THAT** the Municipality will follow the procedures outlined on the attached Schedule "A" to notify the public of a burning ban.
- 5.2 **THAT** Schedule "A" can be amended by Council resolution.

6.0 Offense and Penalties

- 6.1 **THAT** any person who contravenes this by-law is committing an offense and is subject to payment of a municipal fine up to **\$1,000.00**.
- 6.2 **THAT** all fines and costs imposed on a contravention under this By-Law, are a debt owed by the property owner 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 collected.

- 7.0 **THAT** this by-law repeals the Municipality of North Norfolk's By-Law No. 758/2008.

- 8.0 **THAT** this by-law shall come into force and take effect on the passing thereof.

DONE AND PASSED by the Municipality of North Norfolk, in Council duly assembled at the Municipal Office at MacGregor in the Province of Manitoba this ____ day of _____ A.D., 2020.

Mayor Gerald Barber

Valorie Unrau, CMMA
Chief Administrative Officer

Read a first time this	_____ day of	_____ A.D.	<u>2020</u>
Read a second time this	_____ day of	_____ A.D.	<u>2020</u>
Read a third time this	_____ day of	_____ A.D.	<u>2020</u>

SCHEDULE 'A'

Prevention and Control of Wildland Fires By-Law No. 65/2020

Notification

Once a burning ban is implemented and when lifted, Municipal Staff will:

1. Post a notice on the Municipal Website, the North Norfolk Facebook Page, at the Municipal Office, on public bulletin boards in MacGregor, Austin, Sidney, Rossendale and Bagot.
2. Notify CFRY radio station.
3. Place an ad in the Herald Leader (only for implementation, not when its lifted).
4. Email the Province of Manitoba at firecomm@gov.mb.ca requesting the ban be posted on their Current Municipal Burning Restrictions webpage.
5. Post a notice at the area campgrounds if recreational fires are included in the ban.
6. Notify the NorMac Landfill, the MacGregor and Austin Fire Chiefs, Council and all Municipal Staff.
7. Post burning ban signage along the following areas/roads:
 - (a) On #1 Highway at west and east entrance to the municipality.
 - (b) On PR 350 at southern boundary of municipality
 - (c) On PTH 34 at northern boundary of municipality

Sign will be attached to the "Welcome to the Municipality of North Norfolk" sign at all these locations.