

The Rural Municipality of Minto-Odanah

By-Law # 3/16

Burning

BEING a By-Law of The Rural Municipality of Minto-Odanah for the prevention and the control of wild land fires within the Rural Municipality of Minto-Odanah.

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 Minto-Odanah.

AND WHEREAS Section 232 (1) of The Municipal Act, R.S.M. 1996, c.M225, 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 statutes as they may apply.

AND WHEREAS subsection 1(1) of The Municipal Act, R.S.M. 1996, c.M225, provides that:

"designated officer" means a person appointed to a position established under section 130;

NOW THEREFORE the Council of the Rural Municipality of Minto-Odanah in session duly assembled, enacts as follows:

SECTION 1 Definitions

1.0 In this by-law:

- (a) "Authority Having Jurisdiction (AHJ)" means the Municipal Council and the duly appointed agents thereof.
- (b) "Act" means The Municipal Act S.M.1996 c.58.
- (c) "CAO" means the Chief Administrative Officer of the municipality.
- (d) "Designated Officer" means any person authorized by the AHJ to enforce this By-law on behalf of the AHJ.
- (e) "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 the purposes of The Wildfires Act.
- (f) "Outdoor Fire" means a fire that is started outdoors including crop residue burning, land clearing and grass burning.
- (g) "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.

SECTION 2 Delegation of Authority

2.0 That the Authority Having Jurisdiction, Chief Administrative Officer or Designated Officer of the Rural Municipality of Minto-Odanah be appointed as Officers for the purpose of enforcing provincial statutes, regulations as well as this By-law.

SECTION 3 Responsibilities

3.0 All burning within the municipality shall be subject to the conditions and provisions of The Wildfires Act, and the Manitoba Crop Burning of Crop Residue and Non-Crop Herbage Regulation - MR 77/93.

3.1 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.

3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 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:
- (a) a strip of land free of flammable material, or of sufficient width to control the fire;
 - (b) by natural or man-made barriers, water; or
 - (c) by a combination of (a) and (b).
- 3.6 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.

SECTION 4 Burning Ban

- 4.0 The municipality may, by resolution, at their discretion, ban all burning (including fires contained within fire pits, solid fuel burning appliances and burning barrels) in the Rural Municipality of Minto-Odanah 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.
- 4.1 In instances where in the opinion of the Reeve it is not practical to call a meeting of council, the Reeve may also ban all burning (including fires contained within fire pits, solid fuel burning appliances and burning barrels) in the Rural Municipality of Minto-Odanah, after consulting with the remaining members of council, which may be done by electronic means, and obtaining a majority decision of Council. A burning ban passed under Section 4.1 may be rescinded by the Reeve in the same manner.

SECTION 5 Offense and Penalties

- 5.0 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 \$100.00 or not more than \$1,000.00.
- 5.1 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.
- 5.2 The costs indicated in 5.1 above are considered and amount owing to the municipality, and shall be added to the tax roll of the municipality in the name of the owner of the land.


SECTION 6 Repeal & Enactment

- 6.0 That By-law #19/15 of the R.M. of Minto-Odanah is hereby repealed.

- 6.1 This by-law shall come into full force and effect on the day following its final passage.

DONE AND PASSED as a By-Law of The Rural Municipality of Minto-Odanah at Minnedosa, MB. in the Province of Manitoba, this 14th day of July, 2016.


James A. Andersen – Reeve


Aaren Robertson – C.A.O.

Read a first time this 9th day of June, 2016.

Read a second time this 14th day of July, 2016.

Read a third time this 14th day of July, 2016.