

MUNICIPALITY OF ROBLIN

BY-LAW NO. 9-21

BEING A BY-LAW TO PROTECT LIFE AND PROPERTY FROM DAMAGES BY FIRE AND REGULATE BURNING WITHIN THE MUNICIPALITY OF ROBLIN.

WHEREAS the Council of the Municipality of Roblin deems it expedient and in the best interest of the Municipality to provide generally for the protection of life and property from damages by fire and to regulate burning within the Municipality;

AND 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 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;

NOW THEREFORE the Council of the Municipality of Roblin, duly assembled, enacts as follows:

Definitions:

Authority Having Jurisdiction (AHJ): the Municipal Council and the duly appointed agents thereof.

Burning Permit: permit issued regulating outdoor and open air burning in burn permit areas.

CAO: the Chief Administrative Officer of the Municipality.

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

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*.

Outdoor Fire: a fire that is started outdoors including crop residue burning, land clearing and grass, but does not include a fire started in, and remains contained within, a fire pit or solid fuel burning appliance.

Delegation of Authority

1. THAT the Council, Chief Administrative Officer or Fire Chief or designate for the Municipality of Roblin be appointed as Officers for the purpose of enforcing provincial statutes, regulations and this by-law.

Burning Permit Requirements

2. THAT no person shall start an Outdoor Fire within the boundaries of the Municipality of Roblin without first obtaining a Burning Permit from the Municipality of Roblin. Any person who contravenes or refuses, omits, or fails to obtain a permit will be subject to a fine as follows:

First offence	\$ 250.00
Second offence	\$ 500.00
Third and subsequent offence	\$1,000.00

3. THAT all burning within the Municipality shall be subject to the conditions and provisions of *The Wildfires Act* and *The Burning of Crop Residue and Non-Crop Herbage Regulation*, 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 not less than 6 meters (19.5 feet) wide 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 fire must be extinguished when unsupervised.

Responsibilities of Permit Holder

4. 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.

Exemption from Burning Permit

5. 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 the by-law, exempt from a Burning Permit, but must adhere to the Municipality's Policy PRO-001, which sets out 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 non-combustible materials.
 - (b) The fire pit or solid fuel appliance shall be covered with a non-combustible grate or mesh to cover the fire pit opening that is capable of containing and reducing hazards or airborne sparks. If the fire pit or solid fuel appliance is equipped with a chimney, it shall have a non-combustible mesh or spark arrester installed.
 - (c) The fire pit or solid fuel appliance shall be located on a flat, level and non-combustible base clear of overhangs, such as roofs, tree branches or utility wires.
 - (d) In the case of certified appliances, the manufacturer's specifications must be followed. If the manufacturer does not list clearances, those set out in Policy PRO-001 must be adhered to.
 - (e) A minimum clearance of **three metres**, measured from the nearest fire pit edge is maintained from any structure, overhang or other combustibles (i.e. fences, trees, hydro poles, etc.); and a minimum clearance of **three metres** from neighbouring property lines.

Burning Ban

6. The Municipality may, by resolution, at its discretion, ban ALL BURNING (including an Outdoor Fire and fires contained within fire pits and solid fuel burning appliances) within the Municipality 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.

Costs

7. Every person who contravenes or refuses, omits, fails to obey or observe any provision of this By-law is guilty of an offence and liable to a fine as provided below plus court costs. Every day that person is not in compliance with the provisions of this By-law shall be deemed a separate offence.

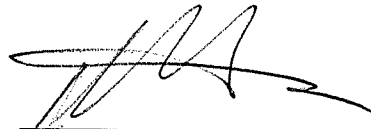
First offence	\$ 250.00
Second offence	\$ 500.00
Third and subsequent offence	\$1,000.00

8. Under authority of *The Wildfires Act*, Section 31 (1) provides as follows:
"Where the Crown or a municipality incurs costs, expenses, loss or damage as a result of:
(a) wildfire protection operations;
(b) enforcing an officer's order which was not obeyed; or
(c) fire loss;
the Crown or the municipality is entitled to be reimbursed by the person who caused the Crown or the municipality to incur costs, expenses, loss or damage, and the amount of costs, expenses, loss or damage is a debt due and owing to the Crown or the municipality."

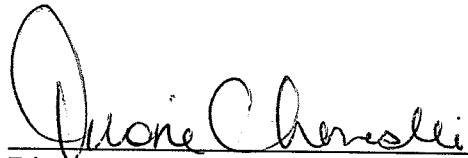
Repeals

9. **THAT** By-law No. 11-20, and any other by-law inconsistent herewith, is hereby repealed.

DONE AND PASSED by the Council of the Municipality of Roblin, duly assembled at Roblin, Manitoba, this 25th day of November, 2021.



Robert Misko
Head of Council



Dione Cherneski
Chief Administrative Officer

Read a first time this 26th day of October, 2021.

Read a second time this 9th day of November, 2021.

Read a third time this 25th day of November, 2021.