

**RURAL MUNICIPALITY OF LA BROQUERIE  
BY-LAW NO. 08-2018**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF LA BROQUERIE TO REPEAL  
BY-LAW NO. 09-2015 AND TO ESTABLISH A BY-LAW FOR THE PREVENTION AND  
THE CONTROL OF FIRES WITHIN THE RURAL MUNICIPALITY OF LA BROQUERIE**

**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;*
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;*
- (c) subject to section 233, activities or things in or on private property;*
  - (i) preventing and fighting fires;*

**AND WHEREAS** Section 233 of *The Municipal Act* provides that

*A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of*

- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;*

**AND 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 La Broquerie;

**NOW THEREFORE** the Council of the Rural Municipality of La Broquerie, in meeting duly assembled, enacts as follows:

**1.0. Definitions:**

***Authority Having Jurisdiction (AHJ):*** The Municipal Council and the duly appointed designated officers thereof.

***Campfire:*** fires set in an outdoor fire pit or solid fuel burning appliance, set for cooking, warmth or recreation (i.e bonfire).

***CAO:*** the Chief Administrative Officer of the Municipality.

***Designated Officer:*** any person authorized by the AHJ to enforce this By-law on behalf of the AHJ including 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 burning.

***Wildfire Season:*** the period in each year commencing on April 1<sup>st</sup> and ending on November 15<sup>th</sup> or any other period that may be designated by the AHJ.

**2.0. Delegation of Authority**

- 2.1. **THAT** the Authority Having Jurisdiction, Chief Administrative Officer or a designated officer of the Rural Municipality of La Broquerie be appointed as an officer for the purpose of enforcing provincial statutes, regulations as well as this By-law.

### **3.0. Responsibilities**

- 3.1. 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*.
- 3.2. 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. All “*Outdoor Fires*” shall be supervised by the owner or occupier of the land or a responsible adult 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 inflammable material, or all inflammable 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 the burning of “*Outdoor Fires*” 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. “Campfires”**

- a. Any *"Campfire"* shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials.
- b. The above-mentioned enclosure shall have a maximum diameter of 3 feet and a minimum height of 1 foot.
- c. 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.
- d. 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.
- e. A minimum clearance of 10 meters (33 feet), measured from the nearest fire pit edge is maintained from any structures or any combustibles (i.e. Fences, trees, hydro poles) and property lines.
- f. Solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least 10 meters.
- g. Any *"Campfire"* shall be supervised by the owner or occupier of the land or a responsible adult authorized by the owner or occupier of the land.
- h. 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.
- i. The smoke from the burning of *"Outdoor Fires"* shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
- j. 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.
- k. All fires must be extinguished when unsupervised.

## **5.0. Burning Ban**

- 5.1. The Municipal Designated Officer, may, at their discretion, ban ALL BURNING (including “*Outdoor Fires*” and fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of La Broquerie 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.
- 5.2. Fire restrictions will be applied in a tiered format:
- Level 1 – Fires are allowed in approve receptacles. Open-air fires are allowed, any person who wishes to cause an open-air fir shall notify the R.M. of La Broquerie of their intent.
  - Level 2 – Fires are only allowed in approved receptacles. NO open-air fires are allowed.
  - Level 3 – NO fires of any type are allowed.

## **6.0. Costs and Penalties**

### **6.1 Administration recovery of costs**

- a) Subject to any agreements where any type of emergency service has been taken with the Rural Municipality of La Broquerie including responding to a false alarm, the Municipality may in respect of any related costs incurred in taking such action, charge such costs to the person who caused the fire or incident, or the owner or occupant of the land or property in respect to which the action was taken.
- b) Any person who has an automatic alarm system that activates a false alarm that is responded to by the R.M. of La Broquerie Fire Department shall be charged an annual fee of \$250.00 after the second time they are called to the property.

### **6.2 Penalties**

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:

- \$500.00 for a first offence
- \$1,000.00 for a second offence
- \$1,500.00 for a third offence; and
- \$2,500.00 for any subsequent offence.

- 6.3 Enforcement of this by-law shall be pursuant to the Rural Municipality of La Broquerie’s Manitoba By-Law Enforcement By-law No. 09-2018, as amended from time to time.

## **7.0 REPEAL OF BY-LAW NO. 09-2015**

- 7.1 **NOW THEREFORE** the Council of the Rural Municipality of La Broquerie, repeal By-Law No. 09-2015.

**DONE, PASSED AND ENACTED** by Council duly assembled at the Council Chambers of the Rural Municipality of La Broquerie 10<sup>th</sup> day of October, 2018.

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Lewis Weiss  
Reeve

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Anne Burns  
Chief Administrative Officer

Read a first time this 26<sup>th</sup> day of September, 2018

Read a second time this 10<sup>th</sup> day of October, 2018

Read a third time this 10<sup>th</sup> day of October, 2018