



THE RURAL MUNICIPALITY OF DAUPHIN

BY-LAW NO. 3047



BEING A BY-LAW OF THE RURAL MUNICIPALITY OF DAUPHIN TO REGULATE OPEN AIR FIRES AND THE USE OF FIRE PITS, OUTDOOR FIREPLACES AND STOVES WITHIN THE RURAL MUNICIPALITY OF DAUPHIN.

WHEREAS sections 232 and 233 of *The Municipal Act*, L.M. 1996, c.58 Cap. M225 provide in part as follows:

Spheres of Jurisdiction

- 232(1)** 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;

Exercising by-law making powers

- 232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- (a) regulate or prohibit;

AND WHEREAS it is considered desirable and in the public interest to regulate open air burning and the use of outdoor fire appliances within the Rural Municipality of Dauphin;

AND WHEREAS the Rural Municipality of Dauphin wishes to maintain fire services and provide for the efficient operations of such services;

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF DAUPHIN IN SESSION ASSEMBLED, ENACTS AS FOLLOWS:

Short Title

- 1 This By-Law may be referred to as the Rural Municipality of Dauphin Open Air Burning By-law.

Definitions

- 2 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in *The Municipal Act* and the following words are defined as follows:
- (a) "Acceptable Receptacle" means a fire pit, outdoor barbeque, outdoor fireplace or outdoor warming fire receptacle that meet the requirements set out in this By-law;
 - (b) "Chief" means the chief of the municipal fire service or designated officer being the CAO, Assistant Administrator, Public Works Foreman, or Assistant Public Works Foreman;
 - (c) "Municipality" means the Rural Municipality of Dauphin;
 - (d) "Open Air Fire" means a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble or crop residue, and for religious or ceremonial purposes;
 - (e) "Operate", in relation to a Portable Barbeque, includes lighting, igniting, maintaining a fire within and cooking on a Portable Barbeque;
 - (f) "Permit" means an open air fire permit issued under this By-Law;
 - (g) "Person in Charge of an Open Air Fire" includes a person who ignites an Open Air Fire and the owner or occupant of any property on which an Open Air Fire is set;

- (h) "Person in Charge of a Portable Barbeque" includes a person who ignites a Portable Barbeque, the owner of the Portable Barbeque and the owner or occupant of any property on which a Portable Barbeque is operated;
- (i) "Portable Barbeque" means any appliance manufactured and sold for the purpose of cooking food outdoors and designed to burn propane, natural gas, wood or charcoal briquettes or to use electricity as a heat source;

All Open Air Fires Subject to By-law

- 3 A person must not set any Open Air Fire, and the owner or occupant of any property may not permit an Open Air Fire to be set or to remain lit on the property, unless the fire meets the requirements of this By-law.

Declaration of Emergency Open Air Fire Ban

- 4(1) In this section:
- (a) "Ban" means an Emergency Open Air Fire Ban declared under subsection (2); and
 - (b) "Open Air Fire" does not include a barbeque burning only propane or natural gas.
- 4(2) The Chief may declare a ban on Open Air Fires in a geographical area within the boundaries of the Municipality if they conclude that prevailing climatic, environmental or other conditions constitute an emergency and a Ban is necessary to reduce the risk of fires being spread.
- 4(3) Unless otherwise specified in the declaration, a Ban applies to the entirety of the geographical area within the boundaries of the Municipality at all times and to all forms of open air burning.
- 4(4) A Ban may be partial and may, among other things, specify that it applies:
- (a) only to identified neighbourhoods or parts of the Municipality;
 - (b) only to identified forms of open air burning; or
 - (c) only during specific times of the day.
- 4(5) A Ban takes effect when all of the following have taken place:
- (a) has been declared by the Chief of the Municipality; and
 - (b) the declaration has been posted on the Municipality's website.
- 4(6) Unless a Ban declared under subsection (2) sets out either a specific date and time at which it will end or the length of time during which it is effective, the Ban ends only when a formal announcement is made by the Municipality.
- 4(7) A Ban declared under subsection (2) supersedes and suspends all permits which authorize an Open Air Fire.
- 4(8) A person must not set an Open Air Fire, and the owner or occupant of any property must not permit any Open Air Fire to be set or remain lit on the property in contravention of a Ban.
- 4(9) Because an Open Air Fire during a Ban constitutes an emergency, members of the municipal fire service are hereby authorized to take immediate measures to extinguish an Open Air Fire burning in contravention of a Ban and the landowner may be responsible for these costs in accordance with this by-law.

Open Air Fire Permit Required

- 5(1) Subject to subsection (2), a person must not set any Open Air Fire within the Municipality, and the owner or occupant of any property may not permit any Open Air Fire to be set or to remain lit on the property, unless an open air fire permit has been issued in accordance with this bylaw.

- 5(2) Subsection (1) does not apply to:
- (a) fires set and contained within an Acceptable Receptacle and maintained in accordance with this By-law on a residential property;
 - (b) fires set and maintained for religious or ceremonial purposes which are contained within an Acceptable Receptacle and maintained in accordance with this By-law;
 - (c) Portable Barbeques that are fueled, operated and maintained in conformance with the manufacturer's instructions;
 - (d) appliances that are approved by the Canadian Gas Association (CGA), are installed, operated and maintained in conformance with the manufacturer's instructions, and are fueled by propane or natural gas;
 - (e) fires permitted by the Municipality in outdoor fire pits, outdoor barbeques or outdoor fireplaces provided as fixtures in campgrounds or parks owned by the Municipality; and
 - (f) burning conducted by the municipal fire service or persons authorized by the Chief for the purpose of training members of the municipal fire service.
- 5(3) Every owner or occupier of a property on which an Open Air Fire that does not comply with subsection (2) is to be located must apply for a Permit by submitting to the Municipal Administration Staff a Permit application as per Schedule A.
- 5(4) Upon receipt of a signed application, Municipal Administration Staff will review the form for completion and may request any such further information as necessary to clarify the intentions of the applicant. The Municipal Administration Staff may:
- (a) refuse to grant the Permit if the application does not meet the requirements of this bylaw or any other relevant regulation;
 - (b) request an additional review of the permit by the Chief prior to making a determination; or
 - (c) grant the Permit with no conditions.
- 5(5) Permits are non-transferable.
- 5(6) The permit is not valid until endorsed by any member of the Municipal Administration Staff. Once issued by the Municipality, the permit will be valid immediately, or if requested on the application, at a future date.
- 5(7) Permits will only be issued during regular business hours of the Municipality.
- 5(8) Permits are valid for seven (7) days from the date of issuance and may not be renewed without receipt of another application.

Rules Regarding all Open Air Fires

- 6 A Person in Charge of an Open Air Fire must ensure that:
- (a) a valid permit was obtained and authorized by Municipal Administration Staff;
 - (b) the fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished;
 - (c) the fire is always kept under control;
 - (d) an appropriate fireguard be established as required under the terms of The Wildfires Act;
 - (e) an adequate supply of water, sand or some other means of controlling and extinguishing the fire is readily accessible;
 - (f) the fire is not set or maintained in conditions or locations which will or could result in:

- (i) reduced visibility on any highway or road;
- (ii) a rapid spread of fire through grass or brushed area;
- (g) the fire is not set or maintained when the wind exceeds 25 kilometres per hour (15 miles per hour);
- (h) if the fire becomes uncontrollable or spreads beyond its assigned limits, the municipal fire service is alerted by calling 911;
- (i) That the applicant adheres to the provisions of the Fire Preventions and Emergency Response Act, as well as the Manitoba Burning of Crop Residue Regulations, The Wildfires Act, and any other Act having authority.

Acceptable Fire Pits

- 7 An acceptable fire pit must:
- (a) have a base protected with brick, stone or concrete which extends a minimum of 18 inches beyond the fire pit in all directions;
 - (b) be enclosed on all sides and constructed of masonry, concrete, heavy gauge material or other non-combustible materials;
 - (c) be at least 15 cm (6 inches) in height above the surrounding grade but no more than 60 cm (24 inches) in depth when measured from the top of the pit opening to the bottom of the pit;
 - (d) have an opening that does not exceed 75 cm (2.5 feet) in diameter or an area of 0.56 metres squared (6 feet squared) and in which neither the width nor length is greater than 75 cm (2.5 feet);
 - (e) have a spark arrestor, grille or mesh with openings no larger than 12mm (0.5 inches) and constructed of a non-combustible material, which is used to cover the entire area of the fire pit opening; and

Acceptable Outdoor Fireplaces

- 8 An acceptable outdoor fireplace must:
- (a) be constructed of masonry, concrete, heavy gauge metal or mesh or other non-combustible materials;
 - (b) have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created;
 - (c) have its chimney opening entirely covered by a non-combustible spark arrestor, grille or mesh with openings no larger than 12 mm (0.5 inches);
 - (d) have a side opening to the fire chamber which does not exceed 0.56 metres squared (6 feet squared) in area, and in which neither the width nor length is greater than 75 cm (2.5 feet);
 - (e) have its side opening entirely covered by a non-combustible spark arrestor, grille or mesh with openings no larger than 12 mm (0.5 inches); and
 - (f) obtain WETT certification for any outdoor fireplaces within a structure.

Acceptable Outdoor Warming Fire Receptacles

- 9 An acceptable outdoor warming fire receptacle must be a metal receptacle in good repair that has a maximum capacity of 225 litres (50 gallons) with all openings entirely covered by removable, non-combustible spark arrestors, grilles or mesh with openings no larger than 12 mm (0.5 inches).

Rules Regarding Fires in Acceptable Fire Pits, Fireplaces and Receptacles

- 10 Unless a permit issued pursuant to section 5 permits otherwise, a Person in Charge of an Open Air Fire on the grounds of a residential property must ensure that:
- (a) the fire is maintained within an Acceptable Receptacle;
 - (b) the receptacle must be operated in a safe manner and monitored at all times;
 - (c) for all receptacles except barbeques, the fire is maintained a minimum of 3 metres (10 feet), as measured from the nearest edge of the Acceptable Receptacle, from any property line or combustible buildings, structures, fences, trees, patio decks, foliage, and overhead wires.
 - (d) only clean, dry, unpainted and untreated wood is burned in the fire, and no solid waste including rubbish, household waste, garden waste, grass, leaves, brush or tree prunings, and any material which may generate black smoke or an offensive odour;
 - (e) the receptacle is located on a flat level surface and be built on or have included in its base a non-combustible material;
 - (f) the receptacle is not used for commercial or industrial applications.

Operation of Portable Barbeque

- 11(1) A Person in Charge of a Portable Barbeque must ensure that it is:
- (a) be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials;
 - (b) be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille or mesh with openings no larger than 12 mm (0.5 inches).
 - (c) operated only out-of-doors in a well ventilated area;
 - (d) operated and maintained in accordance with the manufacturer's instructions;
 - (e) not operated within 1 metre (39 inches) or such greater distance as may be recommended by the manufacturer from combustible materials; and
 - (f) not left unattended when lit.
- 11(2) A person must not operate a Portable Barbeque within 20 feet of any building unless it:
- (a) is located in the yard of a single family dwelling;
 - (b) uses electricity or natural gas as a heat source; or
 - (c) uses propane as fuel and is equipped with a Quick Connect Coupling Valve (Q.C.C.1) and an Overfill Protection Device (O.P.D.).
- 11(3) Notwithstanding subsections (1) and (2), no one may operate a Portable Barbeque that uses solid fuel on a balcony, patio or deck of a multiple family building.
- 11(4) Notwithstanding subsections (1) and (2), no one may store a Portable Barbeque on a balcony, patio or deck of a multiple family building unless it:
- (a) uses electricity or natural gas as a heat source; or
 - (b) uses propane as fuel and is equipped with a Quick Connect Coupling Valve (Q.C.C.1) and Overfill Protection Device (O.P.D.).

Storage and Handling of Propane Storage Cylinders (Tanks)

- 12(1) The owner of a propane storage cylinder designed for use on a Portable Barbeque and the occupant of the property in which the cylinder is located must ensure that, whether attached to a Portable Barbeque or not, the cylinder is:
- (a) maintained in an upright position at all times;
 - (b) shut off at the valve when not in use;
 - (c) not stored in a vehicle, building, or below grade; and
 - (d) unless attached to a Portable Barbeque, not stored within 2 metres (6.5 feet) of a Portable Barbeque.
- 12(2) The owner of a propane storage cylinder designed for use on a Portable Barbeque and the occupant of the property in which the cylinder is located must ensure that the cylinder is only stored on a balcony if:
- (a) the balcony is not enclosed by screen or glass;
 - (b) no more than two 20 pound tanks are stored on any balcony, including any tank attached to a Portable Barbeque;
 - (c) tank valves are not nearer than 1 metre (39 inches) from any door or window that is lower than the valve.

Enforcement, Contravention and Fines

- 13(1) This by-law shall be enforced pursuant to the Municipality's General Enforcement By-law, as amended from time to time.
- 13(2) Any person determined to have committed a violation or infraction of any of the provisions of this By-law, shall be liable for such offence consisting of a penalty and shall pay the actual costs incurred, if any of the firefighting and extinguishing any resulting fire, as per Schedule B.
- 13(3) Any person may allege a violation of this by-law by filing a written complaint with a by-law enforcement officer in such form and with such particulars as the by-law enforcement officer may from time to time require, and/or the by-law enforcement officer may investigate based on his/her regular patrol of the Municipality.
- 13(4) Where a by-law enforcement officer determines that a contravention of any provision of this by-law has occurred, the by-law enforcement officer may commence enforcement proceedings and issue and serve a notice of contravention and, if required, an order to remedy a contravention pursuant to the Municipality's General Enforcement By-law, as amended from time to time, and the Municipality's enforcement policy and procedures.
- 13(5) A person who receives an order to remedy a contravention may appeal such order in accordance with the Municipality's General Enforcement By-law, as amended from time to time, and the Municipality's enforcement policy and procedures. Council's decision on the issue is final and not subject to further appeal.
- 13(6) The Municipality and/or the by-law enforcement officer may take whatever action or measures are necessary to remedy a contravention of this by-law in accordance with the Municipality's General Enforcement By-law, as amended from time to time, and the Municipality's enforcement policy and procedures.
- 13(7) Any person who contravenes or disobeys or refuses or neglects to obey or comply with any provision of this by-law or any order made under this by-law and/or the Municipality's General Enforcement By-law, as amended from time to time, is guilty of an offence and is liable to fines and penalties as set out in the Municipality's General Enforcement By-law, as amended from time to time.

General Provisions

- 14(1) By-Law No. 3002 of the Municipality and any amendments thereto are hereby repealed and shall hereafter cease to have effect.

- 14(2) This By-Law shall come into force and effect on January 1, 2026.

DONE AND PASSED by the Council of the Rural Municipality of Dauphin, in Council duly assembled, at Highway 20A East, Dauphin, in the Province of Manitoba, this 26 day of August, 2025.

Read a FIRST time October 22, 2024
Read a SECOND time August 26, 2025
Read a THIRD time August 26, 2025

For:	Against:	Abstained:	Absent:
Ernie Sirski			
Tammy Koshowski			
Todd Boguski			
Ken Plustwa			
Ron Ryz			
Midge Sametz			
Ken Shewchuk			



REEVE:
Ernie Sirski



CHIEF ADMINISTRATIVE OFFICER:
Grady Stephenson

THE RURAL MUNICIPALITY OF DAUPHIN
BY-LAW NO. 3047 – Schedule A

BURNING PERMIT APPLICATION

Applicant Name: _____

Landowner Name: _____

If Landowner and Applicant are different, has permission to burn been obtained from the landowner? _____

Cell Phone Number: (must provide number of the person monitoring the fire) _____

Email Address: _____

What are you burning? Please be specific: _____

Permit start date _____ for a maximum of 7 days.

Provide Legal Descriptions for all properties where the fire will occur:
(Please check box if property is North of RD 156N "Correction Line")

_____	<input type="checkbox"/>	_____	<input type="checkbox"/>
_____	<input type="checkbox"/>	_____	<input type="checkbox"/>
_____	<input type="checkbox"/>	_____	<input type="checkbox"/>

I, the undersigned, hereby acknowledge that I have read By-Law No. 3047 in its entirety and understand and agree to abide by all provisions of the By-Law. Further I agree:

1. **THAT** the fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished.
2. **THAT** the fire is always kept under control.
3. **THAT** an appropriate fireguard be established as required under the terms of The Wildfires Act.
4. **THAT** an adequate supply of water, sand or some other means of controlling and extinguishing the fire is readily accessible.
5. **THAT** the fire is not set or maintained in conditions or locations which will or could result in reduced visibility on any highway or road; a rapid spread of fire through grass or brushed area.
6. **THAT** the fire is not set or maintained when the wind exceeds 25 kilometres per hour (15 miles per hour);
7. **THAT** if the fire becomes uncontrollable or spreads beyond its assigned limits, the municipal fire service is alerted by calling 911.
8. **THAT** Any person determined to have committed a violation or infraction of any of the provisions of this By-law, shall be liable for such offence consisting of a penalty and shall pay the actual costs incurred, if any of the firefighting and extinguishing any resulting fire.
9. **THAT** Any announcements or provisions issued by the Department of Agriculture regarding crop residue burning shall take precedence. Such announcements can be found at www.gov.mb.ca/agriculture/ or by calling 1-800-265-1233.
10. **THAT** The applicant must adhere to the provisions of the Fire Prevention and Emergency Response Act, the Manitoba Burning of Crop Residue Regulations, the Wildfires Act, and any other applicable legislation.
11. **THAT** A permit is not valid until endorsed by a member of the Municipal Administration Staff. Once issued by the Municipality, it becomes valid immediately or, if specified on the application, on a future date. Permits are only issued during regular municipal business hours, are valid for seven (7) days from the date of issuance and may not be renewed without submitting a new application.

The first submission establishes long-term authorization, and the office will maintain the record of authorization.

Signature of Applicant: _____

Municipal Administration Staff

Date: _____

THE RURAL MUNICIPALITY OF DAUPHIN

BY-LAW NO. 3047 – Schedule B

FEE SCHEDULE

DESCRIPTION:	Permit Obtained:	No Permit Issued:	Cost of Fire Fighting Costs:
Accidental / Out of ones ability to control	N/A	N/A	0%
Permit Issued: Fire Fighting required Negligence / Violation of Permit	\$50.00	-	100%
Permit Issued: Fire Fighting required Accidental /Out of one's ability to control the Fire	\$0.00	-	0%
No Permit Issued: No Firefighting required Violation of By-Law	-	\$100.00	N/A
No Permit Issued: Firefighting required	-	\$100.00	100%