

# **RURAL MUNICIPALITY OF RIDING MOUNTAIN WEST**

## **By-law No. 2022-07**

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Municipal Office and must be consulted for purposes of interpretation and applications of the law.

# **OFFICE CONSOLIDATION**

## **Wildland Fire Prevention and Control By-Law**

### **By-law No. 2022-07**

Including Amendments to

This By-law has been consolidated under the authority of the Chief Administrative Officer. It represents proof, in absence of evidence to the contrary of:

- a) The original by-law and all by-laws amending it; and
- b) The fact of passage of the original and all amending bylaws.

AMENDMENTS

DATE PASSED

BY-LAW NO. 2022-07

WILDLAND FIRE PREVENTION AND CONTROL

Being a By-Law of the Rural Municipality of Riding Mountain West for the prevention and the control of fires and wildfires within the Rural Municipality of Riding Mountain West.

**WHEREAS** Section 232 (1)(a) and (i) of *The Municipal Act*, L.M. 1996, c.58 Chapter. M225 provide as follows:

- 232 (1) A Council may pass by-laws for municipal purposes respecting the following:
- (a) The safety, health, protection and wellbeing of people,
  - (b) The safety and protection of property from fire,
  - (i) Preventing and fighting fires;

**AND WHEREAS** the Council of the Rural Municipality of Riding Mountain West deems it desirable and in the best interest of the municipality to reduce the potential for uncontrolled fires and to put in place controls for Controlled Fires;

**AND WHEREAS** the Council of the Rural Municipality of Riding Mountain West deems it desirable to regulate the use of Outdoor fire Pits and Outdoor Solid Fuel Appliances;

**NOW THEREFORE** the Council of the Rural Municipality of Riding Mountain West in session duly assembled enacts as follows:

This By-Law may be referred to as "The Rural Municipality of Riding Mountain West Burning By-law".

Definitions:

*Wildfire Season*: means the period in each year commencing on April 1st and ending on October 31st or any other period of time that may be designated by the Council of the Rural Municipality of Riding Mountain West.

*Outdoor Fire*: 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. No person unless specifically permitted through this by-law or an Authority Having Jurisdiction, shall set or start an outdoor fire within the boundaries of the Rural Municipality of Riding Mountain West unless it is conducive to do so without first obtaining a Burning Permit from the Municipality.
  - a. The following is the process of obtaining a burn permit:
    - i) Pick up from the municipal office or print from municipal website (under permits);
    - ii) Send completed permit to municipal office or email to [info@rmwest.ca](mailto:info@rmwest.ca);

2. Outdoor fire pits as well as outdoor solid fuel appliances may be constructed and used, for recreational purposes only, providing that:

- (a) The outdoor fire pit or outdoor solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials.
- (b) The outdoor fire pit or solid fuel appliance shall be covered with a non-combustible grate or mesh. If the outdoor fire pit or solid fuel appliance is equipped with a chimney, it shall have a non-combustible mesh or spark arrester installed.
- (c) The outdoor fire pit or outdoor solid fuel appliance shall be located on a flat, level, and non-combustible base and clear of overhangs, such as roofs, tree branches, or utility wires.
- (d) A minimum clearance of 10 feet or 3 meters measured from the nearest fire pit edge is maintained from any structures or any combustibles (i.e., fences, trees, hydro poles) and property lines.
- (e) Outdoor solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least 10 feet or 3 meters.
- (f) When in use, the fire pit must be attended by a responsible adult person until the fire has been fully extinguished.
- (g) Fires in outdoor fire pits and outdoor solid fuel appliances are not permitted under severe wind conditions or when atmosphere or local circumstances make such fires a hazard.
- (h) Only clean, dry wood or briquettes can be burned in outdoor fire pits or outdoor solid fuel appliances. Fires cannot be used to burn garbage, rubbish, previously painted or treated wood and any fuel which when burned, may result in the release of dense smoke, or offensive odors.
- (i) A means of extinguishment such as a portable fire extinguisher or garden hose shall be available on site. Fires must be extinguished before leaving the site.
- U) Smoke from outdoor fire pits and outdoor solid fuel appliances shall not impact on neighboring properties by releasing offensive odors that are annoying, unpleasant or a nuisance.
- (k) All fires must be limited in size so the available firefighting resources at hand may easily control them.

3. All burning within the municipality shall be subject to the conditions and provisions of The Wildfires Act, and the Manitoba Crop Residue Burning Regulation - MR 77/93, including but not limited to, the following condition;

- (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 or 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) 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 fires must be extinguished when unsupervised.

4. If, in the opinion of the Fire Chief, (ii) is not conducive to have an outdoor fire, the Fire Chief can direct the fire to be extinguished.
5. Nothing in this By-Law permits or authorizes a person to use a fire pit in a manner that creates a nuisance to any other person.
6. Nothing in this By-Law is intended to interfere with or prohibit the burning of agricultural residue regulated by the Burning of Crop Residue Regulation under *The Environment Act*.
7. The Fire Chiefs and then the municipality may, by resolution, at their discretion, ban **ALL BURNING** (including an **Outdoor Fire** and fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of Riding Mountain West if conditions exist where, in the opinion of the municipality, fires are of risk, and such a ban would prevent wildfires from occurring and all Burning Permits would be revoked.
8. The municipality may claim costs where the Fire Department is called to extinguish a fire, which has been set in contravention of this By-Law.
9. The cost of fighting and extinguishing a fire that was set in contravention of this by-Law may be charged to the property owner at a rate of \$500 per hour or part thereof.
10. All costs imposed to extinguish a fire that was set in contravention of the By-Law, are a debt owed by the owner of the property on which the fire was started, to the Municipality and may be recovered by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

11. Any person who contravenes a provision of this by-law is committing an offence and liable on conviction to payment of a fine of not less than:

- a) \$100.00 for the first offence
- b) \$200.00 for the second offence
- c) \$300.00 for the third offence
- d) \$500 for each subsequent offence.

12. Fireworks are not permitted to be set off in a developed area or urban center unless a permit has been granted.

13. A permit for fireworks must be obtained through the Municipal Office and signed off by the local Fire Chief.

14. All fines and costs imposed on a prosecution under this By-Law, are a debt owed by the person who set the fire and the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in a court of competent jurisdiction or may be collected by the municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

15. This By-law repeals any and all previous Wildland Fire Prevention and Control By-laws, including, but not limited to the following:

- a.) The Rural Municipality of Riding Mountain West By-law 2019-09

16. This By-law shall come into force and take effect on the passing thereof.

**DONE AND PASSED** in Council assembled in Inglis, Manitoba this 3<sup>rd</sup> day of August 2022.

  
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Reeve

  
\_\_\_\_\_  
C.A.O

Read a first time this 13<sup>th</sup> day of July 2022  
Read a second time this 3<sup>rd</sup> day of August 2022  
Read a third time this 3<sup>rd</sup> day of August 2022

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