

Rural Municipality of Grey
By-law No. 02-2019

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF GREY FOR THE PREVENTION AND THE CONTROL OF WILDLAND FIRES WITHIN THE RURAL MUNICIPALITY OF GREY.

Definitions:

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

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 or Deputy Fire Chief or any person on behalf of the AHJ, appointed as a fire guardian for purposes of ***The Wildfires Act***.

Outdoor Fire or Outdoor Fires: a fire or fires that are started outdoors.

Wildfire Season: 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.

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 Grey.

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 RURAL MUNICIPALITY OF GREY IN SESSION ASSEMBLED, ENACTS AS FOLLOWS

1.0 Delegation of Authority

1.1 THAT the ***Authority Having Jurisdiction***, Reeve, Deputy Reeve, Fire Chief or Deputy Fire Chief be appointed as ***Officers*** for the purpose of enforcing provincial statutes, regulations as well as this By-law.

1.2 The ***Officer*** has all powers, duties, discretion and functions of a designated officer set out in the Municipal Act and the Wildfires Act, and of an enforcement officer set out in the Provincial Offences Act and is authorized to:

- a) enforce this By-law, the Municipal Act, and the Wildfires Act,
- b) enforce permits, approvals and orders made or issued under this By-law, the Municipal Act, and the Wildfires Act,
- c) make orders for the remedying of contraventions,

- d) make orders under the Municipal Act in respect of dangers to public safety or property, and in respect of the Wildfires Act,
- e) carrying out inspections,
- f) enforcing contraventions through offences,
- g) taking remedial action where required, and
- h) acting as a designated officer for the purposes of this By-law.

2.0 Responsibilities

2.1 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.

2.2 Authorization to conduct an **Outdoor Fire** 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.

2.3 Every person shall:

- a) not start an **Outdoor Fire** without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire.
- b) not 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.
- c) not 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, 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).
- d) ensure that the smoke from an **Outdoor Fire** shall not pose reasonable hazard to the health of any person or reduce the visibility on any road or highway.
- e) ensure that 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.
- f) ensure that all fires are supervised and if the supervision will end, to extinguish the fire before leaving it unsupervised.

2.4 The owner, occupier, person authorized by the owner or person in charge of land, shall ensure the requirements set out in section 2.3 of this By-law are met concerning an **Outdoor Fire**.

3.0 Burning Ban

3.1 The **Authority Having Jurisdiction** may, by resolution when feasible, ban **Outdoor Fires** and all outdoor burning including fires contained within fire pits and solid fuel burning appliances 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.

3.2 The Fire Chief (or Deputy Fire Chief) and the Reeve (or Deputy Reeve) have the authority to implement or lift a burning ban when doing so by resolution is not feasible.

3.3 Immediately upon implementing or lifting a burning ban, the **CAO** shall:

- notify all Council members
- post notices on the Municipality's website and bulletin board
- notify the Fire Commissioners Office
- notify anyone else as determined by the **CAO**

3.4 During a burning ban imposed under this By-law, no person shall start an **Outdoor Fire**, or conduct any outdoor burning including fires contained within fire pits and solid fuel burning appliances

4.0 Offence and Penalties

4.1 A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

4.2 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.

4.3 An owner, occupier, person authorized by the owner or person in charge of land that is involved in a contravention of this By-law is guilty of an offence with which, in similar circumstances, the person that started the fire is guilty.

4.4 This By-law shall come into force and take effect on the passing thereof and By-Law No. 05-2018 will be repealed at that time.

DONE AND PASSED in Council assembled at the council chambers of the Rural Municipality of Grey at Elm Creek, in the Province of Manitoba this 6th day of February, A.D. 2019.



Reeve



Chief Administrative Officer

Read a first time this 16th day of January, A.D. 2019.

Read a second time this 6th day of February, A.D. 2019.

Read a third time this 6th day of February, A.D. 2019.