

THE MUNICIPALITY OF BIFROST-RIVERTON

BY-LAW 8-2018

Being a by-law of The Municipality of Bifrost-Riverton for the prevention and the control of wildland fires within the Municipality.

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;...
- (i) preventing and fighting fires;...
- (o) the enforcement of by-laws.”

AND WHEREAS the Council of The Municipality deems it 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 Municipality of Bifrost-Riverton;

NOW THEREFORE the Council of The Municipality of Bifrost-Riverton in council duly assembled hereby enact the following:

1. DEFINITIONS

- a) “**Authority Having Jurisdiction (AHJ)**” means the Municipal Council and the duly appointed agents thereof;
- b) “**Burning Permit**” means permit issued regulating outdoor and open air burning in burn permit areas;
- c) “**CAO**” means the Chief Administrative Officer of the municipality.
- d) “**Designate**” means any person authorized by the AHJ to enforce this by-law on behalf of the AHJ;
- e) “**Officer**” means 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*;
- f) “**Outdoor Fire**” means 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;
- g) “**Wildfire Season**” means 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.

2. DELEGATION OF AUTHORITY

- 2.1 **THAT** the Authority Having Jurisdiction, Chief Administrative Officer or Designate of the Municipality of Bifrost-Riverton be appointed as Officers for the purpose of enforcing provincial statutes, regulations as well as this by-law.

3. BURNING PERMIT REQUIREMENTS

- 3.1** THAT no person shall start an Outdoor Fire within the boundaries of the Municipality of Bifrost-Riverton, during the Wildfire Season without first obtaining a Burning Permit, substantially in the form attached as Schedule "A", from the Municipality of Bifrost-Riverton or from one of its designated Officers.
- 3.2** THAT 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*, 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, 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) 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;
 - e) 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. RESPONSIBILITIES OF PERMIT HOLDER

- 4.1** 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.

5. EXEMPTION FROM A BURNING PERMIT

- 5.1** THAT fires 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 this by-law, exempt from a Burning Permit, but must adhere to 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 noncombustible materials;
- b) 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;
- c) 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.;
- d) A minimum clearance of 6 metres, measured from the nearest fire pit edge is maintained from any structures or any combustibles (ie. fences, trees, hydro poles) and property lines;
- e) Solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least 10 metres.

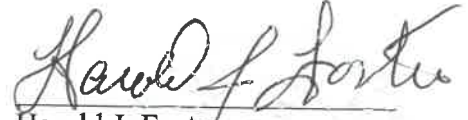
6. BURNING BAN

- 6.1** THAT the municipality may, by resolution or call of the Fire Chief, at their discretion, ban ALL BURNING (including an Outdoor Fire and fires contained within fire pits and solid fuel burning appliances) in the Municipality of Bifrost-Riverton 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.

7. OFFENSE AND PENALTY

- 7.1 **THAT** 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 \$100 or not more than \$500.
- 7.2 **THAT** 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.

DONE AND PASSED as a by-law of The Municipality of Bifrost-Riverton at Arborg in the Province of Manitoba this 11th day of July, 2018.



Harold J. Foster,
Reeve



Cindy Stansell,
Chief Administrative Officer

Read a first time this 9th day of May, 2018.

Read a second time this 13th day of June, 2018.

Read a third time this 11th day of July, 2018.

SCHEDULE "A"

IN THE MATTER of the Fire Prevention & Control By-Law No. 8-2018 of the Municipality of Bifrost-Riverton.

MUNICIPALITY OF BIFROST-RIVERTON

Main Office, 329 River Road, Arborg MB
Phone: 204-376-2391 / Fax: 204-376-2742

PERMIT NO. M ___/2018

PERMIT TO BURN

AUTHORITY IS HEREBY GRANTED TO: _____

Phone: _____ Cell: _____

Owner or Tenant of: (property description) _____

in the Municipality of Bifrost-Riverton, to set fire and burn Grass ___ Stubble ___ Brush ___
Other (_____) on the above mentioned property between the ___ day
of _____, 2018 and the ___ day of _____, 2018 subject to the following
conditions and the provisions of *The Wildfires Act*, *Manitoba Controlled Crop Residue Burning
Program*, and *Municipal By-law 8-2018*.

1. To keep fire under control at all times.
2. To bear responsibility for all property damage which may result from burning done under this permit.
3. To fireguard the area as required under the terms of *The Wildfires Act*. (Fire is surrounded by a minimum 6m wide strip of land free of inflammable material.)
4. No fire to be set and left unattended.
5. No fire to be set when wind or weather conditions are extreme or hazardous.

Issued at the Municipality of Bifrost-Riverton Office this ___ day of _____, 2018.

Signed _____
Municipal Official

I understand the conditions under which this permit is issued and agree to abide thereby.

Signed _____
Permittee

___ Arborg Bifrost Fire Dept.(fax)

___ Riverton Bifrost Fire Dept.(email)




MUNICIPALITY OF BIFROST-RIVERTON
CERTIFIED RESOLUTION

Moved by Morley Nordal
Seconded by David King

RESOLVED THAT Council do hereby authorize that the Wildfire Season as defined by By-law 8-2018 be set as January 1st to December 31st.

CARRIED

Certified to be a true and correct copy of resolution #18 passed at the regular meeting of council held December 12, 2018.


Kim Furgala, CMMA
Assistant Chief Administrative Officer