

## THE MUNICIPALITY OF RHINELAND

### BY-LAW NO. 2019-19

Being a By-Law of the Municipality of Rhineland to regulate outdoor fires.

#### WHEREAS:

- A. Section 232 (1) of the Municipal Act (“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;
- B. Section 236(1) of the Act provides that, without limiting the generality of 232(1)(o)(enforcement of by-laws), a by-law passed under that clause may include provisions
- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
  - (b) remedying contraventions of by-laws, including
    - (i) creating offences,
    - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,
    - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act;
- C. Council is of the opinion that it is in the public interest that outdoor fires should be regulated and controlled to protect the safety of people and property.

**NOW THEREFORE** Council of the Municipality of Rhineland enacts as a by-law the following:

1. This By-Law may be referred to as the Outdoor Fire By-law.

#### Definitions

2. In this By-law:

“**approved fire receptacle**” means a fire pit, outdoor barbeque, outdoor fireplace or outdoor warming fire device that meets the requirements set out in section 5;

“**fire chief**” means the person appointed by the Municipality as its fire chief, the deputy fire chief, and a person delegated the authority of the fire chief;

“**outdoor fire**” means a fire that is started outdoors for any purpose;

“**outdoor fire ban**” means an outdoor fire prohibition made by order under section 10 of this By-law; and

“**owner**” means a person who

- a. is the owner of an estate in fee simple in land that is subject to the Real Property Act,
- b. is the owner of an estate in fee simple in land that is not subject to the Real Property Act and who is the grantee named in a valid conveyance of land that is registered under the Registry Act, or
- c. is the registered owner of a unit under the Condominium Act.

### **Prohibition**

3. No person shall within the Municipality set an outdoor fire, and no owner or occupant of any property may permit an outdoor fire to be set or to remain lit on the property.
4. Section 3 does not apply to
  - a. an outdoor fire in an approved fire receptacle in the following areas of the Municipality: the local urban district of Rosenfeld, as defined in the Act, Regulation No. 174/99, and the local urban districts of Gretna and Plum Coulee, as defined in the Municipal Amalgamations Act, Regulation No. 135/2014.
  - b. an outdoor fire in the Municipality outside of the areas identified in sub-section a.
  - c. portable barbeques that are fuelled, 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 fuelled by propane or natural gas.
  - e. fires permitted by the Municipality in fire pits, barbeques or fireplaces provided as fixtures in campgrounds or parks owned by the Municipality.
  - f. burning conducted by the Municipality.
  - g. an outdoor fire authorized by permit under this By-law.

### **Approved fire receptacle**

5. An approved fire receptacle shall:
  - a. be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials;
  - b. have a spark arrestor, grille or mesh constructed of a non-combustible material, which is used to cover the entire area of the approved fire receptacle opening; and
  - c. not be used for commercial or industrial applications.

### **Outdoor fire requirements**

6. A person setting or responsible for an outdoor fire, and an owner or occupant of a property where outdoor fires are permitted under this By-law shall ensure:
  - a. the outdoor fire is always kept under control;
  - b. the outdoor fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished;
  - c. the weather conditions are conducive to an outdoor fire not burning out of control,
  - d. an adequate supply of water, sand or some other means of controlling and extinguishing the outdoor fire is readily accessible;
  - e. the outdoor 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;
  - f. reasonable steps are taken to prevent the outdoor fire from spreading;

- g. the outdoor fire is maintained a minimum of 3 metres, as measured from the nearest edge of the outdoor fire, from any combustible buildings or structures, combustible fences, property line, trees and overhead wires;
  - h. only clean, unpainted and untreated wood is burned and no grass, leaves, brush or tree pruning's are burned; the local urban district of Rosenfeld, as defined in the Act, Regulation No. 174/99, and the local urban districts of Gretna and Plum Coulee, as defined in the Municipal Amalgamations Act, Regulation No. 135/2014 and
  - i. if the outdoor fire becomes uncontrollable or spreads, the Municipality's Fire Department is immediately alerted by calling 911.
7. For an outdoor fire used for agricultural purposes, no person shall set, and no owner or occupant of any property may permit the outdoor fire to be set or to remain to guard property, clear land, or burn debris, crops or stubble, unless the land on which the outdoor fire is started is completely surrounded by a strip of land not less than 6 metres wide, and
- a. the strip is free of inflammable material; or
  - b. all inflammable material on the strip is covered by snow or water.

All burning within the Municipality shall be subject to the conditions and provisions of *The Manitoba Crop Burning Residue Regulation – MR 77/93*

#### **Permit**

8. Where the fire chief is of the opinion that unusual circumstances warrant permitting a person to have an outdoor fire otherwise prohibited under this By-law, the fire chief may, on application by an owner or occupier of land, issue a permit to have an outdoor fire on that land subject to such terms or conditions as the fire chief considers advisable and sets out in the permit.
9. The fire chief may amend, vary, suspend or revoke a permit on notice to the holder of the permit.

#### **Outdoor fire ban**

10. Where the fire chief is of the opinion that circumstances in the Municipality warrant, the fire chief may make an order prohibiting outdoor fires and putting in place an outdoor fire ban for the period of time specified in the order. An outdoor fire ban comes into force 6 hours after it is first placed on the Municipality's website and posted at the municipal office. Immediately following making the order, the fire chief shall make reasonable efforts to give notice of the order by other means including broadcast by radio or television, or reference to or posting on social media.
11. An outdoor fire ban remains in place for the period set out in the order, unless terminated sooner by the fire chief.
12. No person shall set an outdoor fire, and no owner or occupant of any property may permit an outdoor fire to be set or to remain lit on the property while an outdoor fire ban is in place.

#### **Enforcement**

13. Council may appoint an enforcement officer for the purposes of this By-law, who may conduct inspections and take steps to administer and enforce this By-law or to remedy a contravention of this By-law, and for those purposes shall be a designated officer and have the powers of a designated officer under the Act or a By-Law officer under the By-Law Enforcement Act.


14. Where the Municipality's fire department responds to a call concerning an outdoor fire, and in the fire chief's opinion the outdoor fire was not taking place in compliance with this By-law, the person who set the outdoor fire, and the owner or occupant of any property who permitted the outdoor fire are responsible for any costs associated with or resulting from extinguishing the outdoor fire. Such amount is a debt owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.
15. 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 \$1000.00. 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 Act.
16. That the amount of the administrative penalties set out in Schedule "A" to the Municipal By-law Enforcement By-law No. 2019-15 may be amended from time to time.

**Transitional**

17. By-law No. 572 of the former Town of Plum Coulee, By-law No. 572 of the Municipality of Rhineland and By-law No. 743-2004 of the former Town of Gretna are repealed.

**DONE AND PASSED** in Altona, Manitoba this 25<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

READ A FIRST TIME this 11<sup>th</sup> day of September, 2019 A.D.

READ A SECOND TIME this 25<sup>th</sup> day of September, 2019 A.D.

READ A THIRD TIME this 25<sup>th</sup> day of September, 2019 A.D.

## Schedule A

- a. One hundred dollars [\$100.00] for a first offense;
- b. Two hundred dollars [\$200.00] for a second offense;
- c. Three hundred dollars [\$300.00] for a third offense;
- d. Five hundred dollars [\$500.00] for each subsequent offense.