

RURAL MUNICIPALITY OF STANLEY
BY-LAW NO. 7-15

Being a by-law of the Rural Municipality of Stanley for the prevention and control of wildland fires within the Municipality of Stanley.

DEFINITIONS:

"**The Municipality**" means the Municipal Council of the Rural Municipality of Stanley.

"**CAO**" means the Chief Administrative Officer of the Rural Municipality of Stanley.

"**Fire Chief**" means the fire chiefs of the Morden Fire Department and Winkler Fire Department and/or their designate(s) or any other individual the municipality or CAO has designated.

"**Outdoor Fire**" means a fire that is started outdoors including crop residue burning, land clearing and grass burning; does not include outdoor solid fuel appliance.

"**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 Municipality.

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 Stanley

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 Stanley in session assembled, enacts as follows:

1.0 Delegation of Authority

1.1 THAT the Municipality, Chief Administrative Officer and Fire Chief (s) be appointed as Officers for the purposes of enforcing provincial statutes, regulations as well as this By-Law.

2.0 Responsibilities

2.1 All burning within the municipality shall be subject to the conditions and provisions of *The Manitoba Crop Burning Residue Regulation - MR 77/93*.

2.2 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.

- (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 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.

3.0 **Burning Ban**

3.1 The municipality may, by resolution of Council or by order of the CAO at their discretion, ban **ALL BURNING** (including fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of Stanley 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.

4.0 **Offense and Penalties**

4.1 Where a person is in contravention under this By-Law, 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.

5.0 This By-Law shall come into force and take effect on the passing thereof.

PASSED AND ENACTED by the Rural Municipality of Stanley, in council duly assembled, this 24th day of September, 2015.

RURAL MUNICIPALITY OF STANLEY

per: _____
Reeve

per: _____
Chief Administrative Officer

Read a first time this 10th day of September, 2015.
Read a second time this 24th day of September, 2015.
Read a third time this 24th day of September, 2015.