

## Rural Municipality of Franklin

### By-law No. 09-10

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

#### Definitions:

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

**Burning Permit:** permit issued regulating outdoor and open air burning in burn permit areas.

**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, 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.

**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.

**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.

**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 Franklin.

**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 FRANKLIN IN SESSION ASSEMBLED, ENACTS AS FOLLOWS

#### 1.0 Delegation of Authority

1.1 THAT the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Rural Municipality of Franklin be appointed as Officers for the purpose of enforcing provincial statutes, regulations as well as this By-law.

#### 2.0 Burning Permit Requirements

2.1 THAT no person shall start an Outdoor Fire within the boundaries of the Rural Municipality of Franklin, during the **Wildfire Season** without first obtaining a **Burning Permit** from the Rural Municipality of Franklin or from one of its designated Officers.

2.2 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).
- 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 Responsibilities of Permit Holder

3.1 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.

### 4.0 Exemption from Burning Permit

4.1 Fires that are 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 noncombustible 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 ~~10 metres~~15 feet, 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.

### 5.0 Burning Ban

5.1 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 Franklin 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.

**6.0 Offense and Penalties**

6.1 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 \$250.00 or not more than \$1000.00.

6.2 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.

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

DONE AND PASSED in Council assembled, this 13 day of July 2010

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Reeve

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CAO