

MUNICIPALITY OF EMERSON FRANKLIN

BY-LAW NO 13/16

Being a By-Law to regulate burning within the LUD of Emerson in the Municipality of Emerson-Franklin.

WHEREAS Sections 232(1) 250(2) and 252 (1 &2) of the Municipal Act L.M 1996, c. 58 – Chap, M225, provides as follows:

Spheres of jurisdiction

232(1) 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.

General Powers

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (e) use municipal equipment, materials and labour to carry out private works on private property.

Powers respecting works, services, utilities

252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including:

- (a) Setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;

WHEREAS the Council of the Municipality of Emerson Franklin deems it desirable to regulate the setting of fires and burning within the limits of the LUD of Emerson.

NOW THEREFORE the Council of the Municipality of Emerson Franklin in open Council assembled enacts as follows:

- 1) No person shall set or start an outdoor fire within the LUD of Emerson unless it is done so in a fire-pit, constructed and used in accordance with this By-Law or in a CSA approved fire-pit or appliance;
- 2) Outdoor fire pits may be constructed and used, for recreational purposes only providing that;
 - a. the fire pit must be fully contained within heavy gauge steel, concrete or cinder blocks;
 - b. the fire pit must be located a minimum of fifteen (15) feet from any property line; and any structures or combustibles (fences, trees, hydro poles);
 - c. when in use, the fire pit must be attended by a responsible adult person until the fire has been fully extinguished.
- 3) No person shall burn anything in the fire pit other than clean, dry, unpainted and untreated wood.
- 4) The lighting of a fire for a bonfire or roast in a barbeque or fire-pit is permitted provided a solid, liquid or gas fuel product is used and provided the fire is contained in a suitable container and adequately supervised at all times.
- 5) The burning of garbage, recyclables, household waste, lawn clippings, leaves, brush or tree pruning or any other compostable material is prohibited.
- 6) Nothing in this By-Law is intended to interfere with or prohibit the burning of agricultural residue regulated by the Burning of Crop Residue Regulation under The Environment Act.
- 7) A person may apply to the Municipality for a permit, which will entitle the permittee to conduct a control burn, and subject to the approval of Council, the Municipality shall issue a permit to an applicant to conduct a control burn with or without conditions.
- 8) The municipality may claim costs where the Fire Department is called to extinguish a fire, which has been set in contravention of the By-Law.
- 9) The cost of fighting and extinguishing a fire that was set in contravention of this By-Law may be charged to the property owner at a rate of \$500 per hour or part thereof.
- 10) All cost of fighting and extinguishing a fire that was set in contravention of the By-Law, are a debt owed by the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.
- 11) Any person who contravenes a provision of the by-law is committing an offence and liable on conviction to payment of a fine of not less than
 - a. One hundred dollars (\$100.00) for the first offence;
 - b. Two hundred dollars (\$200.00) for the second offence;
 - c. Three hundred dollars (\$300.00) for the third offence; and
 - d. Five hundred dollars (\$500.00) for each subsequent offence.

- 12) All fines and cost imposed on a prosecution under this By-Law, are a debt owed by the person who set a fire and the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in a court of competent jurisdiction or may be collected or enforced under the Municipal Act.
- 13) That By-Law No. 94/210 be and is hereby rescinded.

DONE AND PASSED by the Council of the Municipality of Emerson-Franklin in Open Council duly assembled at Dominion City, in the Province of Manitoba this 13th day of December, 2016.

MUNICIPALITY OF EMERSON- FRANKLIN

Per: _____
Reeve Greg Janzen

Per: _____
Chief Administrative Officer
Tracey French

Read a First time this 8th day of November, 2016.
Read a Second time this 13th day of December, 2016.
Read a Third time this 13th day of December, 2016.