

**RURAL MUNICIPALITY OF ELTON
BY-LAW NO. 1651**

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ELTON for the prevention and the control of fires within the Rural Municipality of Elton.

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 Elton.

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 ELTON IN SESSION ASSEMBLED, ENACTS AS FOLLOWS:

1.0 Short Title

- 1.1** THAT this By-law be referred to as "*The Burning By-law*"

2.0 Delegation of Authority

- 2.1** THAT the Authority Having Jurisdiction, Municipality, CAO or designate of the Municipality be appointed as Officers for the purpose of enforcing Provincial statutes and regulations as well as this By-law.

3.0 Responsibilities

- 3.1** THAT prior to any controlled burn (excluding **contained fire pits**), you **must** provide the Municipality the information identified in Schedule "A"; FURTHERMORE, no **Open Air Fires** can take place until approval has been provided by the Municipal Office.
- 3.2** THAT the fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished for all **Contained Fire Pit** or **Open Air Fires**.
- 3.3** 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*.

***Note:** Prior to burning crop or stubble between **August 1 to November 15** annually ratepayers must check with the Manitoba Controlled Crop Residue Burning Program for daily burning authorizations in the Province of Manitoba.*

4.0 Rural Burning

- 4.1** THAT AUTHORIZATION to conduct **Open Air 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) No person shall start an **Open Air Fire** on any land without first notifying the Municipality that they are undertaking a controlled burn.
 - b) Any **Open Air Fire** shall be authorized by the owner of the land and supervised by the owner or occupier of the land who must be 18 years of age or older until and unless it is fully extinguished.
 - c) No person shall start an **Open Air Fire** on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire.
 - d) No person shall start an **Open Air Fire** unless all precautions are taken to ensure that the fire can be kept under control, and windspeeds are less than 25 km/hour to prevent a fire burning out of control.
 - e) No person shall cause an **Open Air 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 nature or man-made barriers, water; or
 - iii. by a combination of (i) and (ii).

- f) The smoke from an **Open Air Fire** shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
 - g) A sufficient water supply and means of fire suppression capable of extinguishing the **Open Air Fire** based on its fuel loading and size shall be available on site.
 - h) All **Open Air Fires** must be extinguished by dusk (excludes Contain Fire Pits).
- 4.2 Where part of the land upon which burning of grass, underbrush, straw or other waste material is occupied by buildings, planted trees, or baled hay or straw, a permit shall only be issued if the applicant has:
- a) A firebreak between the area where burning will take place, and contiguous areas; and
 - b) Adequate amount of people on site to manage the burning.
- 4.3 When burning straw, a strip of land at least 50 feet in width must exist for a firebreak between the area to be burned and:
The Municipality Road allowance; or
Any uncultivated lands adjacent to the area to be burned off; or
The common boundary shared by the area to be burned off and other lands, whether cultivated or not.
- 4.4 No person shall perform agricultural smudging as per Livestock Manure and Mortalities Management Regulation, M.R. 42/98.
Burning of livestock manure prohibited
10.2(1) No person shall burn livestock manure at any time unless
(a) the director has given prior authorization for the burning; and
(b) the person complies with the terms of the authorization.
- 4.5 No person shall burn garbage in a container unless the wind velocity does not exceed 25 km/ph.
- 4.6 No person is permitted to conduct an Open Air Fire on Municipal property.
- 4.7 Any person wanting to ignite fireworks in the rural area must first notify the Municipality prior to igniting fireworks as per Schedule A.

Note: Must follow responsibilities as identified in Section 3.0.

5.0 Village Burning

- 5.1 Only contained fire pits (as described in Section 10 Definitions) are permitted within the Villages of Douglas, Forrest, and Justice.
- 5.2 The Municipality must preapprove any contained fire pits being placed on Municipal property.
- 5.3 No person shall burn garbage in a Village.
- 5.4 No person shall ignite fireworks in a Village on private property.

Note: Must follow responsibilities as identified in Section 3.0.

6.0 Burning Ban

- 6.1 Council may by some form of a written vote of majority of council members, either in person or electronically, enact or remove a burning ban for burning in the Municipality 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.

	Nuisance Burning	Open Air Fires	Bonfire / Barbecues	Yard Waste Burning	Yard Waste Burning RESTRICTED
Elton Rural	No	Yes	Yes	Yes	Yes
Douglas	No	No	Yes	No	Yes*
Forrest	No	No	Yes	No	Yes*
Justice	No	No	Yes	No	Yes*

* In a contained fire pit only.

- 6.2 Fire Restrictions:
- a) LEVEL 1 – **Contained Fires** and **Open Air Fires** are allowed. Any person who wishes to have an **Open Air Fire** must obtain a burning permit before starting a fire.
 - b) LEVEL 2 – Only **Contain Fires** allowed. **No Open Air Fires**.
 - c) LEVEL 3 - **No Fires** of any type are allowed.

7.0 Burning Notification/Appeals

- 7.1 You **must** provide the necessary information in the Burning Notification attached and identified as Schedule “A”, prior to starting an **Open Air Fire**. The Municipal Office may revoke or prohibit the ability to have an **Open Air Fire** as it sees fit.
- 7.2 The burning notification process shall be in the form set forth in Schedule “A” attached to this By-law.
- 7.3 No person shall light a fire when;
a) Wind velocity is in excess of 25 km/ph;
b) Wind direction is such that smoke from the burning will drift across a Provincial Trunk Highway, Provincial Road or any Municipality Road in the vicinity and obstruct visibility thereon.
- 7.4 A minimum clearance of 3 meters (10 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees, and hydro poles. A minimum distance of 3 meters (10 feet) shall be maintained from neighbouring property lines.
- 7.5 An applicant denied a permit pursuant to this part may appeal the refusal to Council so long as such appeal is made in writing and directed to the Municipal Office within seven (7) days of a refusal.

8.0 Offense and Penalties

- 8.1 Any person who contravenes or refuses, neglects, omits, falls to obey, or observe any provision of this By-law is guilty of an offence and liable to a fine as provided below and under the authority of By-Law No. 1637 Establish and Regulate Enforcement and Penalties. Every occurrence that a person and/or property is not in compliance with the provisions of this By-law shall be deemed a separate offence.
- | | |
|------------------------------|------------|
| First offence | \$ 250.00 |
| Second offence | \$ 500.00 |
| Third and subsequent offence | \$1,000.00 |
- 8.2 Where a person is in non-compliance to this By-law, in addition to imposing a fine, the Municipality is entitled to be reimbursed by the person for all costs incurred by the Municipality in fire protection, suppression operations, and fire watch costs, whether services were performed by the Municipality or contracted by the Municipality, that were undertaken as a result of the persons acts or omissions that resulted in the costs to be incurred.
- 8.3 Any person who hinders or obstructs the Designated Officer in the exercise of their duty is guilty of an offence and liable to a fine of not less than \$250.00 or more than \$1,000.00 and in default of payment of the fine.
- 8.4 In the event a person is issued fine(s) as described above for non-compliance to this By-law, all costs incurred by the Municipality may be assessed to the property owner as identified on the Municipality’s tax roll.

9.0 Other

- 9.1 By-law No. 1645, and any other By-law contrary to the provisions of this By-law, is and are hereby repealed.
- 9.2 This By-law shall come into force and effect immediately upon the passing thereof.

10.0 Definitions:

- 10.1 **Agricultural Smudging:** a slow burning, smoke producing fire (typically manure) used to control mosquitoes and flies from livestock (see nuisance burning).
- 10.2 **Authority Having Jurisdiction (AHJ):** the Municipal Council and the duly appointed agents thereof.
- 10.3 **Bonfire:** a fire built in the open air that is kindled by dry firewood.
- 10.4 **CAO:** the Chief Administrative Officer of the Municipality.
- 10.5 **Contained Fire Pit:** an enclosed area (on all sides) that prevents the contents from blowing or separating (see definition of Fire Receptacle).
- 10.6 **Council:** the Municipal Council of Elton and the duly appointed agents thereof.
- 10.7 **Designate:** any person authorized by the Municipality to enforce this By-law on behalf of the Municipality.
- 10.8 **Fire Receptacle:** the receptacle must be enclosed on all sides, constructed of masonry, concrete, heavy gauge metal or other non-combustible materials with a metal screen having openings no greater than ½” so they appropriately contain a fire.
- 10.9 **Fire Watch:** a person(s) who is assigned to fire watch duties, due to probable flare up, such as a Fire Department, a Designated Officer, or a security company.

- 10.10 Garbage:** waste generated from a residence or farm that is not normally used in fires such as but not limited to spoiled food and other refuse.
- 10.11 Municipality:** the Rural Municipality of Elton.
- 10.12 Nuisance Burning:** the burning of tires, plastics, rubber, creosote soaked, or pressure treated wood, oil products, manure, and refuse.
- 10.13 Officer:** the Fire Chief, any member of the Fire Service or any person on behalf of the Municipality, appointed as a fire guardian for purposes of **The Wildfires Act**.
- 10.14 Open Air Fire:** the outdoor burning of combustible material where smoke is allowed to discharge into the open air from the ground, or other burning devices, but does not include the burning of a Bonfire or Contained Fire Pit.
- 10.15 Outdoor Cooking Appliance:** a small, contained fire that is set in a barbecue, grill or similar device used to cook food.
- 10.16 Village:** the village of Douglas, Forrest and/or Justice.
- 10.17 Wildfire Season:** 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.
- 10.18 Yard Waste Burning:** the outdoor burning of yard vegetation waste which includes leaves, and dried garden vegetation.
- 10.19 Yard Waste Burning - RESTRICTED:** the outdoor burning of branches but does not include the burning of leaves or dried garden vegetation.

DONE AND PASSED AS A BY-LAW BY THE COUNCIL OF THE RURAL MUNICIPALITY OF ELTON IN OPEN SESSION ASSEMBLED THIS 9TH DAY OF AUGUST, 2022.

RURAL MUNICIPALITY OF ELTON


Reeve


Chief Administrative Officer

Read a First time this 12th day of July, 2022.

Read a Second time this 9th day of August, 2022.

Read a Third time this 9th day of August, 2022.



Schedule "A"

OPEN AIR BURNING & FIREWORKS IGNITION Notification

The Rural Municipality of Elton must be contacted prior to igniting an Open Air Fire or Fireworks to provide the information indicated below.

Site Information

Type of Ignition: ☐ Open Air Burning ☐ Fireworks
Date of Ignition: _____
Start Time: _____ End Time: _____
Legal Address: _____ Civic Address: _____

Contact Information

Property Owner(s): _____ Phone Number(s): _____

Site Supervisor(s): _____ Phone Number(s): _____

Email Address: _____

Responsibilities

- I understand that I am not permitted to light an open fire if wind velocity exceeds 25 km/h or if wind direction is unfavourable.
- I understand that By-law No. 1651 of the Rural Municipality of Elton states that a fire guard be placed around the area being burned and the fire must be supervised by the owner or occupier, who must be 18 years of age or older, at all times until fully extinguished.
- I understand that if the fire escapes from my property, I may be responsible for all costs incurred by the Rural Municipality of Elton in fighting the fire, and any losses arising to public or private property.

For Office Use Only:

The following parties have been notified of the applicant's intention to conduct an Open Air Fire at the above noted location on the date and time indicated. Responding Fire Department:

☐ Brandon ☐ Rivers ☐ Rapid City ☐ Shilo
☐ Original Filed ☐ 911 ☐ Emailed copy of Notification and By-law to applicant

Elton Member who Received Call: _____ Date of Notification: _____

Notification Approved:

☐ Yes Notification Number: _____
☐ No Reason: _____

Conditions of notification were read or provided to the applicant by: _____ Legal Address: _____