

# RIVERDALE MUNICIPALITY BY-LAW 2016-06

## Fire Prevention and Control of Wildland Fires

Being a by-law of the Riverdale Municipality for the prevention and the control of wildland fires within Riverdale Municipality;

### **Definitions:**

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

**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.

**Wildfire Season:** the period in each year commencing on April 1<sup>st</sup> and ending on November 15<sup>th</sup> or any 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 Riverdale Municipality.

**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 RIVERDALE MUNICIPALITY, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

### **1.0 Delegation of Authority**

- 1.1 THAT the Authority Having Jurisdiction, Chief Administrative Officer or designate of Riverdale Municipality be appointed as

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Officers for the purpose 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 Wildfires Act*, and the *Manitoba Crop Burning Residue Burning 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 and **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

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**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, at their discretion, ban **ALL BURNING** (including fires contained within fore pits and solid fuel burning appliances) in Riverdale 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.

### 4.0 Offense and Penalties

- 4.1 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 \$500.00 or not more than \$1000.00.
- 4.2 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.
- 5.0 This By-Law shall come into force and take effect on the passing thereof.

DONE AND PASSED by Council of Riverdale Municipality in regular session assembled, this 17<sup>th</sup> day of May, 2016.

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Mayor – Todd Gill

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Chief Administrative Officer

Read a first time this	<u>3<sup>rd</sup></u>	day of	<u>May</u>	A.D.	<u>2016</u>
Read a second time this	<u>17<sup>th</sup></u>	day of	<u>May</u>	A.D.	<u>2016</u>
Read a third time this	<u>17<sup>th</sup></u>	day of	<u>May</u>	A.D.	<u>2016</u>