

RIVERDALE MUNICIPALITY BY-LAW 2020-09

BEING A BY-LAW OF RIVERDALE MUNICIPALITY TO REGULATE OPEN AIR BURNING
WITHIN THE LIMITS OF THE COMMUNITIES OF RIVERS, CHIMO, WHEATLAND AND
BRADWARDINE.

WHEREAS Section 232 (1)(a) and (i) of *The Municipal Act*, L.M. 1996, c.58 Chap.
M225 provide as follows:

232 (1) A Council may pass by-laws for municipal purposes respecting the
following:

- the safety, health, protection and well being of people, and the safety and
protection of property;
- preventing and fighting fires;

AND WHEREAS the Council of Riverdale Municipality deems it desirable to
regulate open air burning within the limits of the communities of Rivers, Chimo,
Wheatland and Bradwardine;

NOW THEREFORE the Council of Riverdale Municipality, in regular session duly
assembled, enacts the following:

I. GENERAL

1) TITLE

This by-law shall be referred to as the "Open Air Burning By-Law."

2. DEFINITIONS

In this by-law:

"FIRE PIT" means any non-combustible structure or container, used for
recreational purposes and constructed in accordance with this by-law.

"FIRE CHIEF" means the individual appointed by Council as the head of
the Rivers/Daly Fire Department or his or her designate, who shall be
responsible for the operation and enforcement of this by-law.

"OUTDOOR MANUFACTURED BURNING APPLIANCE" means a
manufactured outdoor burning appliance constructed of metal, clay or similar
material, which must display Underwriters Laboratories of Canada (ULC) or
Canadian Standards Association (CSA) certification.

II REGULATIONS

3.

- a) A Fire Pit shall be constructed of non-combustible materials.
- b) A Fire Pit shall be located on a flat level surface, and be built on or have
included in its base, a non-combustible material.
- c) A Fire Pit shall be no larger than thirty-six inches (36") in width or
diameter and must extend above grade level by a minimum of twelve
inches (12"), and no higher than twenty inches (20").
- d) Except where otherwise accepted by the Fire Chief, a Fire Pit shall be
covered by a substantial screen or grate with openings not to exceed
half an inch (0.5") in any dimension.
- e) A Fire Pit shall not be located closer than five feet (5' or 1.5 meters) to
any property line or any combustible material, including but not limited
to, buildings, structures, fences, patio decks, or foliage as measured
from the nearest Fire Pit edge.

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- f) A Fire Pit base shall be protected with brick, stone or concrete and must extend a minimum of eighteen inches (18") beyond the Fire Pit in all directions.
- 4.** When in use, a Fire Pit must be attended by a competent person of eighteen (18) years of age or older, and have adequate means of extinguishing the fire.
- a) Fires shall not be set in windy conditions conducive to creating a running fire or nuisance to any other person. The Fire Chief at any time may ban burning in Fire Pits due to these reasons or for any other reason that he or she deems necessary.
 - b) If smoke from such fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire shall be extinguished immediately.
- 5.** No person shall burn anything in a Fire Pit other than charcoal, or cut seasoned wood. The burning of the following materials is strictly prohibited:
- a) Rubbish;
 - b) Household waste;
 - c) Garden waste, including clippings, leaves or any other compostable material;
 - d) Any material which may, when burned, generate black smoke or an offensive odour.
- 6.** Fire pits must not be overloaded with fuel.

III OUTDOOR MANUFACTURED BURNING APPLIANCES

- 7.**
- a) Outdoor manufactured burning appliances shall not be used indoors or on balconies.
 - b) If placing an outdoor appliance on a deck, it shall be placed on a non-combustible surface with an eighteen inch (18") clearance around the appliance and a minimum of twelve inches (12") clearance to the bottom of the fire box. Such appliance shall be permanently affixed to the deck in a manner preventing any accidental overturn.
 - c) If placing an outdoor manufactured burning appliance on the ground, there shall be a thirty-six inch (36") clearance around the appliance from vegetation or other combustibles, and a twelve inch (12" minimum clearance to the bottom of the fire box.
 - d) The fire box shall not exceed thirty inches (30") in width and shall be between sixteen inches (16") and twenty four inches (24") in depth.
 - e) Outdoor fireplaces shall have a secured chimney no less than eight feet (8') in height.

IV HOURS OF PERMITTED USE

- 8.** The use of fire pits and outdoor manufactured burning appliances shall be permitted between the hours of 6:00 a.m. and 12:00 a.m. seven days a week.

V INSPECTIONS

- 9.** Every owner or occupier of a property on which they wish to place a Fire Pit or outdoor burning appliance shall be subject to an inspection by the Fire Chief, Deputy Fire Chief or person having authority at any time, or following a complaint received by the municipality.

VI FEES AND PENALTIES

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10. PENALTIES

- a) Any person who contravenes a provision of this by-law is committing an offence and may be charged a fine as outlined in the Riverdale Fire Department Billing Rates Bylaw, as it exists or as amended. At the discretion of the Fire Chief, Deputy Fire Chief or person having authority, a person who contravenes a provision of this by-law may be charged the fee associated with the dispatch of the Fire Department.
- b) 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 Riverdale Municipality and may be recovered by the Municipality in a court of competent jurisdiction or may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

ANNUAL REVIEW

- 11.** This by-law and statistics relating to open air burning and fire pit permits shall be reviewed by Mayor and Council at least once every 4 years.

DONE AND PASSED by the Council of Riverdale Municipality, in meeting duly assembled, at Rivers, in Manitoba, this 2nd day of June A.D. 2020.

Original signed by T. Gill

Mayor – Todd Gill

Original signed by K. Bridgeman

Chief Administrative Officer

Read a first time this	<u>19th</u>	day of	<u>May</u>	A.D.	<u>2020</u>
Read a second time this	<u>2nd</u>	day of	<u>June</u>	A.D.	<u>2020</u>
Read a third time this	<u>2nd</u>	day of	<u>June</u>	A.D.	<u>2020</u>