



The Rural Municipality of Dufferin
By-Law No. 1977
Being a By-law for the Education and Regulation of Fire Prevention
within the Rural Municipality of Dufferin

WHEREAS under Section 232(1) of *The Municipal Act* provides that 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;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to section 233, activities or things in or on private property;
 - (c.1) subject to section 233.1, the condition and maintenance of vacant dwellings and non-residential buildings;
 - (c.2) subject to section 233.2, the conversion of rental units into units under The Condominium Act;
- (d) municipal roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads;
- (e) private works on, over, along or under municipal roads;
- (i) preventing and fighting fires;

WHEREAS section 236 (1) of *The Municipal Act* that without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,

- (v) charging and collecting costs incurred in respect of acting under subclause (iv),
- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.

AND WHEREAS under Section 232(2) of *The Municipal Act* provides that without limiting the generality of subsection (1), a council may in a by-law passed under this Division;

Section 232(2) (a) regulate or prohibit;

Section 232(2) (b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code or standard;

Section 232(2) (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following: (i) establishing fees, and terms for payment of fees, including fees related to recovering the costs of regulation,

NOW THEREFORE the council of the Rural Municipality of Dufferin, in session assembled, enacts as follows:

DEFINITIONS

1.0 In this by-law,

- (a) "Authority Having Jurisdiction (AHJ)" means the municipal council and the duly appointed agents thereof.
- (b) "CAO" means the Chief Administrative Officer of the municipality.
- (c) "Designate" means any person authorized by the AHJ to enforce this by-law on behalf of the AHJ.
- (d) "Officer" means 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*.
- (e) "Outdoor Fire" means a fire that is started outdoors including crop residue burning, land clearing and grass burning.
- (f) "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.

DELEGATION OF AUTHORITY

2.0 THAT the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Rural Municipality of Dufferin be appointed as officers for the purpose of enforcing provincial statutes, regulations as well as this by-law.

RESPONSIBILITIES

- 3.0 All burning within the municipality shall be subject to the conditions and provisions of *The Wildfires Act, and the Manitoba Crop Burning Residue Regulation – MR 77/93*.
- 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.
- (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.

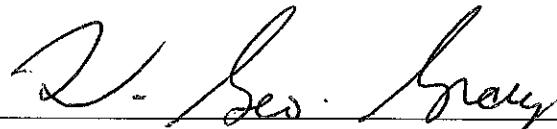
BURNING BAN

- 4.0 The municipality may, by resolution, at their discretion, ban ALL BURNING (including fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of Dufferin 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.
- 4.1 The municipality will follow the procedures outlined on the attached Schedule "A" for notification of the public of a burning ban.

OFFENCE AND PENALTIES

- 5.0 It is an offence to contravene any provisions of this by-law. The municipality may, by resolution, at their discretion enforce any conviction of an offence that is subject to a penalty of not less than five hundred dollars (\$500.00) or not more than one thousand dollars (\$1,000.00).
- 5.1 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.
- 5.2 Where a person is in contravention under this by-law the municipality is entitled to be reimbursed by the person(s) for costs of repairing any damages incurred to municipal property as a result on the contravention.
- 5.3 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 Rural Municipality and may be recovered by the Rural Municipality in a court of competent jurisdiction or may be collected by the Rural Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.

DONE AND PASSED as a by-law of the Rural Municipality of Dufferin, in Council duly assembled, at Carman, in Manitoba, this 15th day of May, 2018.



George Gray, Reeve



Sharla Murray, CMMA
Chief Administrative Officer

Read a first time this 11th day of May, 2018.
Read a second time this 15th day of May, 2018.
Read a third time this 15th day of May, 2018.



Schedule "A"
The Rural Municipality of Dufferin
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NOTIFICATION

Once a burning ban is implemented and when lifted, a timely media release concerning the fire ban details will be implemented by Municipal Staff;

1. Post a notice on the Municipal Website, on the Carman, Manitoba Facebook and Twitter Pages, at the Municipal Office, the Roseisle Co-op Store Bulletin Board, Graysville Community Bulletin Board, the Post Offices within the Municipality and the outdoor mail boxes at Graysville Mennonite Church and Roseisle.
2. The municipality will advertise the Fire Ban as soon as possible in the following newspapers Carman Valley Leader and La Gazette.
3. The following radio stations will be notified to release the fire ban information CFAM/CKMW, CFRY Portage and CBC Winnipeg.
4. Email the Province of Manitoba at firecomm@gov.mb.ca requesting the ban be posted on their Current Municipal Burning Restrictions webpage.
5. Notify the Stephenfield Lake Resort Board of Directors.
6. Notify the Town of Carman Transfer Station, the Carman Dufferin Fire Chief, Council and all Municipal Staff.
7. Post burning Ban signage along the following areas/roads;
 - a. Road 42W & Road 34N, PR 245
 - b. Road 24W & Road 30N, PTH 3
 - c. Road 12W & Road 34N, PTH 3
 - d. Road 24W & Road 42N, PTH 13
 - e. Entrance to the Stephenfield Lake Resort