



**RURAL MUNICIPALITY OF ALEXANDER
BY-LAW NO. 05/21**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ALEXANDER FOR THE
PREVENTION AND THE CONTROL OF FIRES WITHIN THE MUNICIPALITY.**

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 Alexander (the "Municipality");

AND 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, and the safety and protection of property;
- b) Preventing and fighting fires;
- c) The sale and use of firecrackers and other fireworks, the use of rifles, guns, and other firearms and the use of bows and arrows and other devices;
- d) The enforcement of by-laws;

AND WHEREAS the Council of the Rural Municipality of Alexander deems it desirable and in the best interest of the municipality to reduce the potential for uncontrolled fires and enhance the existing controls for controlled fires;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Rural Municipality of Alexander in Council duly assembled, enacts as follows:

1. SHORT TITLE

This By-law be referred to as "The Burning By-Law".

2. DEFINITIONS – Where used herein

Approved receptacle means an approved fire pit, approved outdoor barbeque, approved outdoor fireplace or approved outdoor warming fire receptacle.

Authority Having Jurisdiction (AHJ) means the Municipal Council and the duly appointed agents thereof, including the CAO, Fire Chief and Designated Employee.

Chief means the Municipal Fire Chief or designate for The Rural Municipality of Alexander.

CAO means Chief Administrative Officer or designate of the Municipality.

Designated Employee means the Fire Chief and/or By-law Enforcement Officer to whom he or she has delegated in writing the authority to enforce or administer all or part of this By-law.

Firecracker means any article of the class of fireworks that is designed and prepared to be set off for the primary purpose of producing an explosion or audible sound and, without limitation of the generality of the foregoing, includes the articles commonly known and described as firecrackers, fire balls and squibs.

Fireworks means any article of the class of fireworks that is designed and prepared for the purpose of producing a visual show or effect, whether or not preceded by, accompanied with or followed by an explosion or audible sound and, without limitation of the generality of the foregoing, includes the articles commonly known and described as Roman candles, pinwheels and sparklers.

Display Fireworks means outdoor, high-hazard recreational *fireworks* formerly defined as Class 7.2.2. in the Explosives Regulations of the Explosives Act (Canada) and designed for use by professionals. Included in this Class are such items as aerial shells, cakes, roman candles, waterfalls lances and wheels.

Consumer Fireworks means outdoor low hazard recreational *fireworks* formerly defined as Class 7.2.1 in the Explosives Regulations of the Explosives Act (Canada) and designed for recreational use by the public. Included in this Class are such items as sparklers, fountains, wheels, volcanoes, mines and snakes.

Sky Lanterns means a small hot air balloon made of paper with an opening at the bottom where a small fire is suspended.

Open-air Fire means a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble, or crop residue and for religious or ceremonial purposes.

Operate, in relation to a portable barbeque, includes lighting, igniting, maintaining a fire within and cooking on a portable barbeque.

Person in Charge of an Open-air Fire includes a person who ignites an open-air fire and the owner, occupier, or person in charge of any premises on which an open-air fire is set.

Person in Charge of a Portable Barbeque includes a person who ignites a portable barbeque, the owner of the portable barbeque and the owner, occupier or person in charge of any premises on which a portable barbeque is operated.

Portable Barbeque means any appliance manufactured and sold for the purpose of cooking food outdoors and designed to burn propane, natural gas, wood or charcoal briquettes or to use electricity as a heat source.

Wildfire Season means the period in each commencing on April 1st and ending on November 15th or any other period that may be designated.

3. DELEGATION OF AUTHORITY

That the AHJ, the CAO, or a designated employee of the Rural Municipality of Alexander be appointed as Officers for enforcing regulations in this By-law.

4. INSPECTIONS AND ORDERS

The AHJ or Designate may:

- a) Enter at all reasonable times on any property to ascertain whether there is compliance with this By-Law;
- b) Make orders directing the owners or occupiers of property, or any operators of a fire, to comply with this By-Law, including to bring any fire into compliance with this By-law;
- c) Prevent improper and potentially hazardous material from being added to any fire or any fire to be started;
- d) Call on the Office of the Fire Commissioner if a person is burning waste in contravention of The Wildfires Act or any other applicable provincial legislation;

- e) Order the owner or occupier or operator to immediately extinguish any fire and for there to be compliance with this By-Law.

5. GENERAL PROHIBITION

- a) No person may set any open-air fire and the owner, occupier, or person in charge of any premises may not permit any open-air fire to be set or to remain lit on any premises of which he or she is the owner, occupier, or person in charge, unless the fire meets the requirements of this By-law and has obtained a burn permit where required.
- b) No person shall burn or place or deposit for the purposes of burning upon any private or public property any toxic and non-toxic materials prohibited by *The Environmental Protection Act* and all amendments from time to time including any successor legislation related to the subject matter, including treated, painted or laminated wood, tires, rubber, plastic, asphalt, foam, insulation, cardboard, cloth, grass, and vegetation.

6. RESPONSIBILITIES

- a) All burning within the Municipality shall be subject to applicable provincial legislation and regulations, including *The Wildfires Act*, and the *Manitoba Crop Burning Residue Burning Regulation* - MR 77/93.
- b) Authorization to conduct outdoor fire, brush and/or grass 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.
- c) Any outdoor fire shall be supervised by the owner or occupier of the property or a person authorized by the owner or occupier of the property.
- d) No person shall start an outdoor fire on any property without ensuring precautions are taken that are reasonably necessary to protect persons and the property of theirs and others from the fire.
- e) No person shall start an outdoor fire unless all precautions are taken to ensure that the fire can be kept under control, and only when weather conditions are conducive to preventing a fire burning out of control.
- f) No person shall cause an outdoor fire to be started to clear land or burn debris; burn crop, stubble, or grass; unless the property on which the fire is started is 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;
 - iii.) by a combination of (i) and (ii).
- g) Any person who shall cause an outdoor fire to clear land or burn debris; burn crop, stubble, or grass shall notify the municipal Fire Department of their intent prior to burning.
- h) 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.
- i) 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.
- j) All fires must be extinguished when unsupervised.

7. RULES REGARDING ALL OPEN FIRES

A person in charge of an open-air fire must ensure that:

- a) the fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished;
- b) the fire is always kept under control;
- c) an adequate supply of water, sand, or some other means of controlling and extinguishing the fire is readily accessible;
- d) the fire is not set or maintained in conditions or locations which will or could result in:
 - (i) smoke which causes a nuisance or irritation to people on adjacent properties;
 - (ii) reduced visibility on any highway or road;
 - (iii) a rapid spread of fire through grass or brushed area;
- e) the fire is not set or maintained when the wind exceeds 25 kilometers per hour;
- f) shall be extinguished before leaving the site.

8. RULES REGARDING FIRE RECEPTACLES

A person in charge of an open-air fire on the grounds of a property throughout the Rural Municipality of Alexander must ensure that:

- a) the fire is maintained within an approved receptacle;
- b) the fire is maintained on a flat non-combustible base and at a minimum of 3 metres (10 feet), as measured from the nearest edge of the fire, from any combustible buildings or structures, combustible fences, trees, property lines and overhead wires;
- c) only clean, dry, unpainted, and untreated wood is burned and no grass, leaves, brush or tree pruning's are burned in the fire.

9. REQUIREMENTS FOR APPROVED RECEPTICLES

a) OUTDOOR FIRE PITS

An approved outdoor fire pit must comply with the following:

- 1) Shall be fully enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials.
- 2) Shall not exceed eighteen (18) inches in height when measured from the bottom of the pit to the top of the pit opening and is at least six (6) inches in height when measured from the surrounding grade to the top of the pit opening.
- 3) Shall have an opening which does not exceed thirty (30) inches in diameter or an area of six (6) feet, whereby the width or length is not greater than thirty (30) inches.
- 4) Shall be located on a flat, level, and non-combustible base and be clear of overhangs such as roofs, tree branches, or Utility wires.
- 5) Shall have a spark arrestor, grill, or mesh with openings no larger than ½ x ½ inches and be constructed of non-combustible material that is used to cover the entire area of the outdoor fire pit.

b) OUTDOOR BARBEQUES

An approved outdoor barbeque must:

- 1) be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Chief;
- 2) be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille, or mesh;
- 3) not be used for commercial or industrial applications.

c) OUTDOOR FIREPLACES

An approved outdoor fireplace must:

- 1) be constructed of masonry, concrete, heavy gauge metal or mesh or other non-combustible materials acceptable to the Chief;
- 2) have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created;
- 3) have its chimney opening entirely covered by a non-combustible spark arrestor, grille, or mesh;
- 4) have a side opening to the fire chamber which does not exceed 0.84 square meters (9 square feet) in area;
- 5) has its side opening entirely covered by a non-combustible spark arrestor, grille or mesh;
- 6) not used for commercial or industrial applications.

d) OUTDOOR WARMING RECEPTACLES

An approved outdoor warming fire receptacle must be a metal receptacle in good repair that has a maximum capacity of 205 litres (45 gallons). It is strongly recommended that all openings be entirely covered by removable, non-combustible spark arrestors, grilles, or mesh with openings no larger than 12 mm (½ inch).

10. OBLIGATIONS OF PERSON IN CHARGE OF PORTABLE BARBEQUE

A person in charge of a portable barbeque must ensure that it is:

- a) operated only out of doors in a well, ventilated area;
- b) operated and maintained in accordance with the manufacturer's instructions;
- c) not operated within 1 metre (39"), or such greater distance as may be recommended by the manufacturer of the portable barbeque, of combustible materials;
- (d) not left unattended when lit.

11. OPERATION OF PORTABLE BARBEQUE

No one may operate a portable barbeque within 20 feet of any building unless it:

- a) is located in the yard of a single-family dwelling or two-family dwelling;
- b) uses electricity or natural gas as a heat source;

- c) uses propane as fuel and equipped with a Quick Connect Coupling Valve (Q.C.C.1) and an Overfill Protection Device (O.P.D.).

12. OPERATION OF PORTABLE BARBEQUE

Notwithstanding Sections 13& 14, no one may operate a portable barbeque that uses solid fuel on a balcony, patio, or deck of a multiple family dwelling.

13. STORAGE OF PROPANE TANKS

The owner of a propane storage cylinder designed for use on a portable barbeque and the occupant of the premises in which the cylinder is located must ensure that, whether attached to a portable barbeque or not, the cylinder is:

- a) maintained in an upright position at all times;
- b) shut off at the valve when not in use;
- c) not stored in a vehicle or below grade;
- d) unless attached to a portable barbeque, not stored within 2 metres (6.5 feet) of a portable barbeque.

14. STORAGE OF PROPANE CYLINDERS ON BALCONIES

The owner of a propane storage cylinder designed for use on a portable barbecue and the occupant of premises must ensure that a propane storage cylinder designed for use on a portable barbecue is only stored on a balcony if:

- a) the balcony is not enclosed by screen or glass;
- b) no more than two 20-pound tanks are to be stored on any balcony, including any tank attached to a portable barbecue and second tank to be stored as far from the barbeque as possible;
- c) tank valves are not nearer than 1 metre (39 inches) from any door or window that is lower than the valve.

15. CAO MAY AUTHORIZE VARIATIONS OF GENERAL RULES

The CAO may authorize a fire that does not strictly comply with this by-law where she or he is satisfied that doing so will not expose people or property to undue risk.

16. FIRE RESTRICTIONS AND FIRE BAN

- a) The CAO, following consultation with the Mayor and or Council, and upon the recommendation of the Chief may restrict **ANY or ALL BURNING** (including fires contained within fire pits and solid fuel burning appliances) in the Municipality if conditions exist where, in the opinion of the CAO fires are of extremely high risk, and such a ban is necessary for the safety, health and protection of its residents or property.
- b) Fire restrictions will be implemented immediately when the Province of Manitoba declares a fire ban or implements wildfire restrictions. The municipality will maintain fire restrictions as close as possible to those in place for the Wildfire Region as defined by provincial wildfire bulletins which include possible restrictions on travel, industrial and agricultural burning, fireworks, outdoor fires and campfires.
- c) Fire restrictions will be applied in a tiered format:

Level 1 Restrictions– Fires are allowed in approved receptacles. Open air fires are allowed however any person who wishes to cause an open-air fire shall notify the RM of Alexander of their intent and obtain a burn permit from the province.

Level 2 Restrictions – Open fires are prohibited except in approved receptacles including fire pits, barbeques, outdoor fireplaces and warming receptacles. Fires may **not** be lit between 8:00 am and 8:00 pm and when wind speeds are greater than 25 km/hr. Residents are asked to limit back country travel.

Level 3 Restrictions (Fire Ban) – NO fires of any type are allowed including in otherwise approved receptacles as described in section 9. No back country travel by Off Road Vehicles and/or ATVs within the municipality.

- d) Regardless of the declaration of any level of fire restrictions, including a level 3 fire ban, the operation of a device such as a barbeque or portable cookstove whose sole purpose is to cook food for consumption is permitted provided all other requirements of this By-law are followed.
- e) The following sources of information will be used in determining the fire restriction level.
 - Direct consultation with fire chief from Bird River FD, East Beaches Fire & Rescue, Powerview-Pine Falls FD, Victoria Beach FD and the Regional Area Wildfire Manager
 - Government of Manitoba Fire Hazard Map
 - Natural Resources Wildland Fire Information System
 - The Manitoba Fire Danger Report, and
 - Any other available information that the CAO determines is relevant
- f) Municipal Fire Restriction Districts – the municipality may be separated into two or more zones for the purposes of this bylaw. A fire restriction may be implemented for one or both zones at the discretion of the CAO.
- g) The RM of Alexander will keep residents informed of fire restrictions:
 - Via the RM Website;
 - Facebook pages;
 - Local media;
 - Group email to resident Cottage Associations;
 - Use of Connect application when a level 3 restriction is implemented (fire ban);
 - Posting signs in the community. Signage will be posted ONLY for Level 3 restrictions i.e., when a TOTAL ban is implemented.

17. FIREWORKS

The Rural Municipality of Alexander lies within a “Burning Permit Area” as defined under Regulation 242/97 of the *Wildfires Act* (C.C.S.M. c. W128). As such:

- a) No person shall fire, set off or cause to be fired or set off any consumer fireworks, display fireworks, firecracker in the Rural Municipality of Alexander without written permission from an Authorized Officer within the boundaries of the municipality during the wildfire season from April 1st to November 15th under regulation 242/97 of the *Wildfires Act*;
- b) Authorized Officers for the purpose of this By-law include:
 - Any person named as an “Officer” in s.1 of the *Wildfires Act*, including but not limited to:
 - A Conservation Officer or authorized employee of Manitoba Conservation;

- A local Fire Chief;
 - The Fire Commissioner, the Deputy Fire Commissioner or an Assistant Fire Commissioner for Manitoba.
- c) Requests for written authorization for Display Fireworks or Consumer Fireworks must be made at least 72 hours prior to the intended use;
 - d) Discharge of Consumer Fireworks are permitted without prior authorization from November 15th to March 31st each year, subject to all other provisions of this By-law;
 - e) Discharge of any Display Fireworks are never permitted without prior authorization described in this section;
 - f) No person shall release any form of sky lantern within the boundaries of the Rural Municipality of Alexander;
 - g) No person shall use, set off or allow to be used or set off any fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks;
 - h) No person shall set off any fireworks in or into any building, doorway, automobile, or other place where such setting off might create a danger or nuisance to any person or property;
 - i) No person shall set off any fireworks in or on or into any highway, street, lane, square or other public place; provided that this shall not be deemed to prohibit a display of fireworks in accordance with the provisions of this By-Law;
 - j) The setting off of Consumer Fireworks on land appurtenant to a private residence by the owner or tenant of such residence or a person authorized by him so to do shall not be deemed to be a Display Fireworks;
 - k) The following conditions shall apply to the holding of Display Fireworks authorized under clause a) above:
 - i) the display shall be held by or under the auspices of a club, association or group of persons;
 - ii) the display shall be held at the place and on the date set forth in the written authorization;
 - iii) the display shall be under the conduct and supervision of at least one responsible person, who shall be at least eighteen years of age;
 - iv) the display shall be conducted in a manner consistent with all safety procedures and be held and continued only while all proper precautions are being observed to keep spectators at a safe distance, to protect public and private property, and suitable fire extinguishing equipment shall be at hand at all times;
 - v) no display shall be held within 500 feet of a nursing home, hospital, home for the aged, any premises or place where explosives, gasoline or other highly inflammable substances are manufactured, sold or stored, or within 500 feet of a church or an elementary, secondary or other school unless the consent of the owner of such church or an elementary, secondary or other school or any agent or representative of such owner has been obtained;
 - vi) all unused fireworks and all debris shall be removed by the club, association or group of persons holding the display immediately following its conclusion and safely disposed of.

vii) OFFENSE AND PENALTIES

- a) Any person who contravenes a provision of this by-law is committing an offence and is liable upon conviction to the payment of a fine of not less than:
 - i) Five Hundred Dollars (\$500.00) for the first offence;
 - ii) One Thousand Dollars (\$1,000.00) for the second offence;
 - iii) Fifteen Hundred Dollars (\$1,500.00) for the third offence;
 - iv) Two Thousand Dollars (\$2,000.0000) for the fourth offence;
 - v) Plus all costs associated with the provision of a Fire Suppression Emergency Response.
- a. In the event the Fire Department is called out to extinguish outdoor fires as a result of non-compliance to this by-law, all costs incurred by the Municipality shall be assessed to the property owner as identified on the Municipality's tax roll;
- b. Fines may be imposed and collected by the municipality under the provisions of the Provincial Offences Act;
- c. All fines and costs 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 of Alexander 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*.

viii) REPEAL

- (a) That By-law No. 05/10 of The Rural Municipality of Alexander is hereby repealed;
- (b) That Policy FIR-001 (Fire Ban Policy) is hereby rescinded;
- (c) This By-law shall come into force and take effect on the passing thereof.

DONE and PASSED by the Council of The Rural Municipality of Alexander in regular session assembled this 27th day of July A.D. 2021.

Original Signed by:

Mayor

Original Signed by:

Chief Administrative Officer

Read a first time this 13th day of July, 2021

Resolution 2021 295

Read a second time this 27th day of July, 2021

Resolution 2021 318

Read a third time this 27th day of July, 2021

Resolution 2021 319