

**MUNICIPALITY OF PRAIRIE LAKES
BY-LAW NO. 9, 2019.**

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF PRAIRIE LAKES FOR THE
PREVENTION AND THE CONTROL OF WILD LAND FIRES WITHIN THE
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, but does not include a fire started in, and remains contained within, a fire pit or solid fuel burning appliance.

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.

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 Prairie Lakes.

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 wellbeing 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 Prairie Lakes enacts as follows:

1.0 **Delegation of Authority**

1.1 That the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Rural Municipality of Prairie Lakes be appointed as Officers for the purpose of enforcing provincial statutes, regulations as well as this By-Law.

2.0 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**, including but not limited to, the following conditions;

- 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 (18 years of age or older).
- 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) **Any burning of any materials on Municipal road allowance is prohibited.**
- f) 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.
- g) 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.
- h) All fire must be extinguished when unsupervised.

3.0 **Burning Ban**

- 3.1 The municipality may, by resolution, at their discretion, ban **ALL BURNING** (including an **Outdoor Fire** and fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of Prairie Lakes 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.

Any person contravening such burning bans shall be subject to a minimum penalty of \$500.00 dollars, and will be responsible for all costs incurred by the Municipality in fire protection and suppression operations should the fire department be called to extinguish a fire, at a rate of \$1,000.00 dollars per hour.

4.0 **Offense and Penalties**

- 4.1 It is an offense to contravene any provisions of the By-law, any conviction of an offense is subject to a penalty of not less than \$100.00 or not more than \$1,000.00 per hour.
- 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 Bylaw shall come into force and take effect on the passing thereof.

DONE AND PASSED by the Council of the Rural Municipality of Prairie Lakes duly assembled in the Province of Manitoba this 12th day of November, A.D., 2019.

Reeve

Chief Administrative Officer

Read a first time this *11th, day of June, 2019*
 Read a second time this *8th day of October, 2019*
 Read a third time this *12th day of November, 2019*