

**RURAL MUNICIPALITY OF REYNOLDS
BY LAW NO. 2 /18
MUNICIPAL FIRE PREVENTION BY-LAW**

Being a By-law of the Rural Municipality of Reynolds for the prevention and the control of wildland fires within the Rural Municipality of Reynolds.

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 Reynolds.

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 statues as they may apply

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF REYNOLDS IN SESSION ASSEMBLED, ENACTS AS FOLLOWS

1.0 Definitions:

- 1.1 Authority Having Jurisdiction (AHJ): the Municipal Council and the duly appointed agents thereof.
- 1.2 CAO: the Chief Administrative Officer of the municipality.
- 1.3 Designate: any person authorized by the AHJ to enforce this By-law on behalf of the AHJ.
- 1.4 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.
- 1.5 Outdoor Fire: a fire that is started outdoors including crop residue burning, land clearing and grass burning.
- 1.6 Wildfire Season: 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.

2.0 Delegation of Authority:

THAT the Authority Having Jurisdiction, Chief Administrative Officer, the Reynolds Fire Chief, or designate of the Rural Municipality of Reynolds be appointed as Officers for the purpose of enforcing provincial statues, regulations as well as this By-law.

3.0 Responsibilities

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.

- 3.5 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.
- 3.6 No person shall cause an Outdoor Fire to be started in order to guard property; 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).
- 3.7 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.
- 3.8 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.
- 3.9 All fires must be extinguished when unsupervised.

4.0 Burning Ban

The municipality may, at their discretion, ban ALL BURNING (including fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of Reynolds 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.

5.0 Offense and Penalties

- 5.1 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 or not more than \$1,000.
- 5.2 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.

6.0 This By-law shall come into force and take effect on the passing thereof.

DONE AND PASSED in Council assembled, this 8th day of May 2018.

David Turchyn, Reeve

Yann Boissonneault, CAO

First reading: March 27, 2018 Resolution: 125/2018
 Second reading: May 8, 2018 Resolution: _____
 Third reading: May 8, 2018 Resolution: _____