

# The Rural Municipality of Mountain

## BY-LAW NO. 04/16

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MOUNTAIN FOR THE PURPOSE OF ESTABLISHING A BURNING PERMIT SYSTEM FOR FIRE PREVENTION AND CONTROL.**

**WHEREAS** Section 232(1)(a) and (i) of The Municipal Act provides, in part, as follows:

### **Spheres of jurisdiction**

232(1) 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;
- (i) preventing and fighting fires;

**AND WHEREAS** it is deemed expedient and in the best interest of the Rural Municipality of Mountain to provide for the protection of life and property from damage by fire and to regulate burning within the Rural Municipality of Mountain;

**NOW THEREFORE** the Council of the Rural Municipality of Mountain, in open session assembled, enacts as follows:

1. **THAT** all burning within the Municipality shall be subject to the the following provisions:
  - i. The Fires Prevention and Emergency Response Act and the regulations; and
  - ii. The Wildfires Act and the Manitoba Crop Burning Residue Regulation;
  - iii. Any terms and conditions as set forth in this By-law or the Burning Permit, including any safeguards or restrictions prescribed by the By-Law Enforcement Officer, the Councillor of the Ward or Fire Chief.
2. **BURNING PERMITS**
  1. **THAT** no person shall set on fire any stumps, trees, logs, brush, grass, straw, shavings, or refuse without first obtaining a Burning Permit from the By-Law Enforcement Officer of the Rural Municipality of Mountain, Councillor of the applicable Ward, or the appropriate Fire Chief.
  2. **THAT** the By-Law Enforcement Officer, Councillor of the Ward or Fire Chief, at his/her discretion may issue or refuse to issue the burning permit to which the application was made;
  3. **THAT** the By-Law Enforcement Officer, Councillor of the Ward or Fire Chief may prescribe the safeguards that he/she deems necessary and shall be used for the control of fires that may be caused directly or indirectly, by an operation, and he/she may limit the period under which the burning operation may be carried out;
  4. **THAT** the permittee shall observe the following precautions before lighting the fire;
    - a) No person shall set a fire that spreads or is likely to spread so as to danger forests or property;
    - b) Fires shall be supervised at all times and a sufficient means of fire suppression capable of extinguishing the fire based on its fuel loading and size shall be available on site.
    - c) All fires shall be extinguished when unsupervised;
    - d) No person shall set fires when wind conditions exceed 20km/hr;
    - e) No person shall set fires for the purpose of guarding property, burning crops or stubble, or clearing land, unless the land on which the fire is started is completely surrounded by:
      - i. a ploughed fireguard not less than twenty feet wide; or
      - ii. a strip of land not less than twenty feet wide, free from all flammable material or on which all flammable material is covered by snow or water;

- f) No person shall:
  - i. set a fire that runs at large on any land, which is not his own property;
  - ii. permit or fail to prevent fire from passing from his own land or land occupied by him to the injury of the property of any other person.
- 5. **THAT** a burning permit may be cancelled or suspended at any time by the By-Law Enforcement Officer, Reeve, Council, Fire Chief or Chief Administrative Officer;
- 6. **THAT** upon receiving notice of the cancellation or suspension of a burning permit, the permittee shall refrain from setting further fires, and shall extinguish any existing fires;
- 7. **THAT** the possession of a burning permit 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.
- 8. **THAT** the burning permit shall be in the format attached as Schedule 'A' to this By-Law and be kept on record at the municipal office;
- 9. **THAT** there shall be no fee for issuance of a burning permit.

### 3. APPEALS

- 1. **THAT** any person who has been refused a burning permit by the By-Law Enforcement Officer, Councillor of the Ward or Fire Chief may within five days of the refusal, submit a written appeal to the Council of the Rural Municipality of Mountain;
- 2. **THAT** upon consideration of the appeal by Council at its next regular meeting, the Council's decision is final and subject to no further appeal.

### 4. BURNING BANS

- 1. **THAT** the Municipality may, by resolution, at their discretion, ban all burning (including fires contained in fire pits, burn containers and solid fuel burning appliances) in the Rural Municipality of Mountain if conditions exist where, in the opinion of the Municipality, fires are extremely high risk, and such a ban would prevent wildfires from occurring.

### 5. EXEMPTION FROM BURNING PERMITS

- 1. **THAT** any person may in an emergency, without a burning permit, set a fire for the purpose of cooking or obtaining warmth therefrom;
- 2. **THAT** fires that are set in an outdoor fire pit or solid fuel burning appliance, set for cooking or warmth and would normally be considered a campfire, are for the purposes of this By-Law, exempt from a Burning Permit, but must adhere to the following conditions:
  - a) Any fire that is set in a fire pit or solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials;
  - b) The fire pit or solid fuel appliance shall be covered with a non-combustible grate or mesh. If the fire pit or solid fuel appliance is equipped with a chimney, it shall have a noncombustible mesh or spark arrester installed;
  - c) The fire pit or solid fuel appliance shall be located on a flat, level and noncombustible base clear of overhangs, such as roofs, tree branches or utility wires;
  - d) A minimum clearance of 10 meters, measured from the nearest fire pit edge is maintained from any structures or any combustibles (ie. fences, trees, hydro poles) and property lines;

e) Solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least 10 meters.

**6. OFFENCES AND PENALTIES**

1. **THAT** every person who contravenes, or refuses, neglects, omits or fails to obey or observe, any provision of the By-Law of the Municipality, is guilty of an offense and is liable to a fine not exceeding \$500.00.
2. **THAT** where the contravention, refusal, neglect, omission, or failure, continues more than one day, the person is guilty of a separate offence for each day that it continues.
3. **THAT** 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.
4. **THAT** any outstanding fines or penalties are an amount owing to the Municipality and may be collected by the Municipality in the same manner as a tax may be collected or enforced under to *The Municipal Act*.

**AND THAT** By-law No. 04/03, and any other by-laws inconsistent herewith are hereby repealed.

**DONE AND PASSED** as a By - Law of the Rural Municipality of Mountain, at the L.U.D. of Birch River, in the Province of Manitoba, this     day of June, A.D., 2016 .

.....  
Marvin Kovachik  
Reeve

.....  
Robin Wiebe  
Chief Administrative Officer

Read a first time this 25<sup>th</sup> day of May, A.D. 2016 .  
Read a second time this 8<sup>th</sup> day of June, A.D. 2016.  
Read a third time this 22<sup>nd</sup> day of June, A.D. 2016.

## RURAL MUNICIPALITY OF MOUNTAIN

P.O. Box 155 Birch River, MB R0L 0E0

Telephone: (204) 236-4222

Fax: (204) 236-4773 Email: [rmmountn@mts.net](mailto:rmmountn@mts.net)

---

### PERMIT TO BURN

The Undersigned hereby applies for a PERMIT TO BURN in accordance with this application, all By-laws, regulations and Acts applicable thereto, and all conditions stated in the document and appendices.

Permission is requested to burn:

SEC \_\_\_\_\_ TWP \_\_\_\_\_ RGE \_\_\_\_\_

Owner of Property \_\_\_\_\_

Address of Owner: \_\_\_\_\_ Phone No. \_\_\_\_\_

Person or Firm Conducting Burn \_\_\_\_\_

Burn Shall be Extinguished – Date \_\_\_\_\_ Time \_\_\_\_\_

Approval to the above-described burn shall be subject to the following conditions:

1. The applicant conducting the burn shall place the material to be burned in a location a reasonable distance away from all other combustible materials on the property.
2. The fire shall be supervised and kept under control at all times.
3. The fire shall be completely extinguished upon completion of the burn.
4. That applicant conducting the burn shall have readily available, at the site, an adequate means of extinguishing the fire if it becomes necessary to do so.
5. The applicant shall bear responsibility and liability for all damages, which may result from any burning carried out under this permit.
6. No fire shall be set when fire conditions are extreme or hazardous.

Special Conditions:

**NO FIRE BE SET WITH WINDS OVER 20 KM/HR**

**NO BURNING AT NIGHT**

**NOTIFY FIRE DEPARTMENT BEFORE LIGHTING**

---

---

---

I hereby certify that I am the Owner/Agent in this application, and agree to all conditions described above, and have full knowledge of the circumstances connected, and accept responsibility of the burn.

Applicant: \_\_\_\_\_  
*(please print)*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**\*\* Note\*\* This permit may be cancelled by the By-law Enforcement Officer, Reeve, Council, Fire Chief or the Chief Administrative Officer of R.M. of Mountain.**

Validated By: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Fire Chief)*

Validated By: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Ward Councillor)*