

**TOWN OF STONEWALL
BY-LAW NO. 06-18**

Being a By-Law of the Town of Stonewall for the prevention and the control of fires within the Town of Stonewall.

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.

Burning Apparatus: shall mean an incinerator, burning barrel or receptacle, or any other apparatus constructed or used for the purpose of disposing by the means of fire any combustible waste.

Recreational Burning: shall mean any fire that is ignited in a burning apparatus which is fuelled solely from wood, charcoal, natural gas, or propane and is for the purpose of recreational or leisure enjoyment and shall include but is not limited to a fire for the purpose of cooking.

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.

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 Town of Stonewall; 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 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

THEREFORE The Council of the Town of Stonewall, duly assembled, enacts as follows:

DELEGATION OF AUTHORITY:

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

RESPONSIBILITIES:

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

- 2.1 AUTHORIZATION to conduct Recreational 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 Recreational Burning 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 any Recreational Burning 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 any Recreational Burning 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) The smoke from any Recreational Burning shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
- e) A sufficient water supply and means of fire suppression capable of extinguishing the Recreational Burning based on its fuel loading and size shall be available on site.
- f) All fires must be extinguished when unsupervised.
- g) No person shall dispose of any solid combustible waste as defined in the Environment Act and shall also include yard waste such as, but not limited to, leaves, grass clippings, twigs, branches and garden and flower bed vegetation by the means of open burning within the limits of the Town of Stonewall.

BURNING BAN:

3.0 The Town may, by resolution, at their discretion, **ban ALL BURNING** (including fires contained within fire pits and solid fuel burning appliances) in the Town of Stonewall if conditions exist where, in the opinion of the Town, fires are of extremely high risk, and such a ban would prevent wildfires from occurring.

OFFENSE AND PENALTIES:

4.0 It is an offense to contravene any provisions of this By-law. Any conviction of an offence is subject to a penalty of not more than \$500.00.

4.1 Where a person is in contravention under this By-law, in addition to imposing a fine, the Town of Stonewall is entitled to be reimbursed by the person(s) for costs incurred by the Town of Stonewall 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.

REPEAL:

5.0 That By-Law No. 41/94 be hereby repealed in their entirety.

DONE AND PASSED as a By-Law of the Town of Stonewall by the Council, duly assembled in the Town Hall this 23rd day of May, A.D. 2018.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time this 16th day of May, A.D. 2018;
 Read a second time this 23rd day of May, A.D. 2018;
 Read a third time this 23rd day of May, A.D. 2018.