



# PREVENTION AND CONTROL OF WILDLAND FIRES

## RURAL MUNICIPALITY OF VICTORIA

### BY-LAW NO: 1349/2012

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**BEING** A BY-LAW OF THE RURAL MUNICIPALITY OF VICTORIA for the prevention and control of wildland fires within the Rural Municipality of Victoria.

**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 Victoria:

**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; and
- e) Enforcement of any provincial or municipal statues as they may apply.

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

#### 1.0 **Definitions:**

- 1.1 **Authority Having Jurisdiction or AHJ** means the Municipal Council of the Rural Municipality of Victoria and the duly appointed agents thereof.
- 1.2 **CAO** means the Chief Administrative Officer of the Rural Municipality of Victoria.
- 1.3 **Designate** means any person authorized by the Authority Having Jurisdiction to enforce this by-law on behalf of the Authority Having Jurisdiction.
- 1.4 **Officer** means the Fire Chief, any member of the Fire Service or any person on behalf of the Authority Having Jurisdiction, appointed as a fire guardian for purposes of *The Wildfires Act*.
- 1.5 **Outdoor Fire** means a fire that is started outdoors including crop residue burning, land clearing and grass burning.
- 1.6 **Wildfire Season** means the period in each year commencing on April 1<sup>st</sup> and ending on November 15<sup>th</sup> or any other period of time that may be designated by the Authority Having Jurisdiction.
- 1.7 **Fire Protection Committee** means a committee comprised of the following individuals:
  - The Reeve and/or the Deputy Reeve of the Rural Municipality of Victoria;
  - Council Committee Representative of the Fire Protection Committee;
  - Fire Chief for the Holland Volunteer Fire Department;
  - Fire Chief for the Cypress River Volunteer Fire Department.

#### 2.0 **Delegation of Authority**

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

#### 3.0 **Responsibilities**

- 3.1 **THAT** all burning within the municipality shall be subject to the conditions and provisions of *The Wildfires Act*, the *Manitoba Crop Burning Residue Burning Regulation – MR 77/93* and *By-Law 1327/2010* regulating burning within the **Local Urban Districts of Holland and Cypress River**.
- 3.2 **THAT** 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.

- 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.
- 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) The smoke from **Outdoor Fire** shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
- f) 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.
- g) All fires must be extinguished when unsupervised.

**4.0 Burning Ban**

4.1 **THAT** the Fire Protection Committee may, by resolution, at their discretion, ban **ALL BURNING** (including fires contained within fire pits and solid fuel burning appliances) in the Rural Municipality of Victoria 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 **THAT** it is an offense to contravene any provisions of this by-law. Any conviction of an offense is subject to a penalty of not less than **\$750.00** or not more than **\$2,000.00**.
- 5.2 **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.

6.0 **THAT** 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 Victoria, in Council duly assembled this 14<sup>th</sup> day of November, A.D., 2012.

**Rural Municipality of Victoria**

*“Originally Signed by Reeve Harold W. Purkess”*

Reeve

*“Originally Signed by CAO Y. Ivan Bruneau”*

Chief Administrative Officer

Read a first time this	<u>10<sup>th</sup></u>	day of	<u>October</u>	A.D.	<u>2012.</u>
Read a second time this	<u>14<sup>th</sup></u>	day of	<u>November</u>	A.D.	<u>2012.</u>
Read a third time this	<u>14<sup>th</sup></u>	day of	<u>November</u>	A.D.	<u>2012.</u>