



Burning Regulations within Local Urban Districts

Rural Municipality of Victoria

By-Law No: 1444/2022

BEING a by-law of the Rural Municipality of Victoria to regulate burning within the Local Urban Districts of Holland and Cypress River.

WHEREAS section 232 (1), 250(2) and 252(1 & 2) 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;
- (o) the enforcement of by-laws.

General powers

250 (2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (e) use municipal equipment, materials, and labour to carry out private works on private property.

Powers respecting works, services, utilities

252 (1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including setting the rates or amounts of deposits, fees and other charges, and charging and collecting them.

WHEREAS the Council of the Rural Municipality of Victoria deems it desirable and expedient to regulate the setting of fires and burning within the limits of the Local Urban Districts of Holland and Cypress River including an area in close proximity of the communities as shown outlined by a heavy broken line on the attached Schedule "A"

NOW THEREFORE the Council of the Rural Municipality of Victoria in session assembled, enacts as follows:

1. No person shall set or start an outdoor fire within the Local Urban Districts of Holland and Cypress River unless it is done so in a fire-pit, constructed, and used in accordance with this By-law.
2. Outdoor fire pits may be constructed and used, for recreational purposes only, providing the following measures have been taken:
 - a. be limited to a diameter of 1 meter and be fully contained within heavy gauge steel, concrete, or stone;
 - b. the outdoor fire pit shall be separated from grass and any other vegetation by a distance of at least 16 inches by means of clean earth, sand, gravel or other non-combustible medium;
 - c. The fire pit must be located a minimum of fifteen (15) feet from any property line; and,
 - d. when in use the fire pit must be attended by a responsible adult person until the fire has been fully extinguished.
3. No person shall burn anything other than solid fuel products in a fire pit. Without limiting the generality of the prohibition, no person may burn garbage, recyclables, household waste, lawn clippings, leaves, or any other compostable material.
4. Nothing in this By-law permits or authorizes a person to burn in a manner that creates a nuisance to any other person.

5. The property owner where the fire was started shall be responsible for any and all damages as a result of burning.
6. The Fire Department may direct that a fire in a fire pit be extinguished or may extinguish a fire that, in their opinion is a nuisance or a threat to public safety.
7. Nothing in this By-law is intended to interfere with or prohibit the burning of agricultural residue regulated by the Burning of Crop Residue Regulation under "*The Environment Act*".
8. A person may apply to the Municipality for a permit, which will entitle the permittee to conduct a control burn within the Local Urban Districts of Holland and Cypress River, and subject to the approval of Council, the Municipality shall issue a permit with or without conditions after consultation with the Fire Chief.
9. Any person who contravenes a provision of this by-law is committing an offence and may be subject to payment of a fine of not less than:
 - a) one hundred dollars (\$100.00) for the first offence;
 - b) three hundred dollars (\$300.00) for the second offence; and for each subsequent offence.
10. All fines and costs imposed on a contravention under this By-law, are a debt owed by the property owner on which the fire was located, and may be collected by the Municipality in the same manner as property taxes.
11. 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 regular session assembled, this 12th day of October, A.D, 2022.

Reeve

Chief Administrative Officer

Read a first time this	<u>14th</u>	day of	<u>September</u>	A.D	<u>2022.</u>
Read a second time this	<u>12th</u>	day of	<u>October</u>	A.D.	<u>2022</u>
Read a third time this	<u>12th</u>	day of	<u>October</u>	A.D.	<u>2022</u>

