



# STE. ANNE MUNICIPALITY

## BY-LAW #2024-01

BEING A BY-LAW for the prevention and the control of fires within the Rural Municipality of Ste. Anne.

WHEREAS it is deemed expedient and advisable to pass a By-Law to provide for the protection of life and property from damages by fire and to regulate burning within the Rural Municipality of Ste. Anne;

NOW THEREFORE the Council of the Rural Municipality of Ste. Anne, in meeting duly assembled and under the authority of *The Municipal Act*, enacts as follows:

### 1.0. Definitions:

Enclosed Fire: outdoor fires set in an appropriate fire receptacle or solid fuel burning appliance, set for cooking, warmth or recreation (i.e bonfire).

Cover: covers, spark arrestors, grills or mesh for fire pits must have openings that do not exceed 12 mm (1/2 inches) and must be constructed of non-combustible material. The entire fire pit area must be covered.

Crop Residue Burning: as defined under the *Manitoba Crop Burning Residue Burning Regulation – MR 77/93* which means:  
a. Straw, stubble or chaff from a crop, or  
b. The remains of a crop that is not harvested.

Outdoor Fire: a fire that is started outdoors including, but not limited to, crop residue burning, land clearing and grass burning, including a fire as defined under “*Enclosed Fire*” and “*Crop Residue Burning*”.

Rubbish: means any garbage, trash, or junk including, but not limited to unwanted or discarded household items, waste from building construction, remodelling and repair; motor vehicle parts or tires; magazines, packaging materials, dead animal carcasses, items of a toxic nature, and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighbourhood aesthetics.



## **2.0. Delegation of Authority**

THAT Council appoint a Designated Officer of the Rural Municipality of Ste. Anne, being the Richer Fire Chief for the purposes of this by-law, to enforce fire-related provincial statues and regulations, as well as this or any other related Municipal By-law relating to fire prevention and suppression.

## **3.0. “Outdoor Fire” 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* and any other Provincial or Federal Provisions.

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. In addition to this, all “Outdoor Fires” shall be subject to the following:

- a. Shall be supervised by the owner or occupier of the land or a responsible adult authorized by the owner or occupier of the land;
- b. Shall not be started when environmental conditions are conducive to a fire burning out of control or when a fire ban preventing so is in place;
- c. No person shall cause an “*Outdoor Fire*” to be started on any land without ensuring:
  - i. That sufficient precautions are taken that are reasonably necessary to protect persons and property from the fire and to make certain that the fire can be kept under control;
  - ii. That the resulting smoke does not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway;
  - iii. That a sufficient water supply and means of fire suppression capable of extinguishing the fire shall be available on the subject property;
  - iv. That the fire is never unsupervised or is confirmed to be extinguished when subject property is left unsupervised.
- d. That this section is deemed to include “Crop Residue Burning” which includes as follows:
  - i. That where the intention is to clear land or burn debris, burn crop, stubble or grass, that the subject land on which the fire is started is completely surrounded by a fire guard consisting of:
    - a. A strip of land free of inflammable material of sufficient width to control the fire;
    - b. By natural or man-made barriers, water; or
    - c. By a combination of 3.2.d.i. (a) and/or (b).
  - e. That this section is deemed to include the ignition of Fireworks and Chinese Lanterns or similar type apparatus.

3.3. Every person is prohibited from burning Rubbish in any Settlement Centre, as defined under the Municipality’s Development Plan, as amended from time to time. For example, the Local Urban District of Richer, La Coulee, Giroux and Greenland are designated Settlement Centers.



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## 4.0. “Enclosed Fire” Responsibilities

- 4.1. In addition to all provisions outlined in Item 3.0, any “Enclosed Fire” shall be:
- a. Enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials which has a maximum diameter of 3 feet and a minimum height of 1 foot;
  - b. Located on a flat, level and non-combustible base clear of overhangs, such as roofs, tree branches or utility wires;
  - c. Located in such a manner as to have a minimum clearance of 10 feet measured from the nearest fire pit edge to any structures or any combustibles (i.e. fences, trees, hydro poles) and property lines.
  - d. Installed to manufacturer's specifications with any required distance to a structure or combustible in addition to Item 4.1.c., if applicable.

## 5.0. Burning Ban

- 5.1. The Designated Officer may, at their discretion, restrict fires in specific locations or the entirety of the Rural Municipality of Ste. Anne if environmental conditions exist where such a ban could prevent loss of life or property as a result of Outdoor Fires.
- 5.2. Fire restrictions, as described in Item 5.1., will be applied in a tiered format:
- Level 1 – Only fires adhering to Sections 3 and 4 of this by-law are permitted.
  - Level 2 – Only “Crop Residue Burning” and “Enclosed Fires” are permitted.  
No Fireworks are permitted under Level 2 restrictions.
  - Level 3 – Only “Enclosed Fires” with a “cover” are permitted.
  - Level 4 – NO fires, either “Outdoor Fires” or “Enclosed Fires” are permitted.

## 6.0. Costs and Penalties

- 6.1. This By-Law shall be enforced pursuant to the Municipality’s General Enforcement By-law, as amended from time to time.
- a. Note that under Section 6.1.f) of the Municipal General Enforcement By-law, a warning must be included in this Notice of Contravention stating that failure to comply will result in an Order to Remedy being issued, among other details;
  - b. Note that under section 7.1.b)ix) of the Municipal General Enforcement By-law, a warning stating that fines may be imposed must be included in the Order to Remedy, should the person fail to comply.
- 6.2. Without restricting the general authority given in subsection 6.1, Designated Officers have the authority, after providing reasonable notice to the occupant of the property, to enter onto or into a property to examine any Outdoor Fire in order to administer and enforce this by-law.
- 6.3. Because it is impractical or impossible to give notice to the occupant of property when an Outdoor Fire is in use, Designated Officers are hereby authorized to enter property, without the requirement to give notice to the occupant of the property before the entry.



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- 6.4. Any person found to be in contravention of any of the provisions of this By-Law, and at the discretion of the Designated Officer, may be subject to one or both of following:
- a. A penalty of not less than:
    - \$500.00 for a first offence;
    - \$750.00 for a second offence;
    - \$1,000.00 for a third offence; and every subsequent offence within any consecutive 24 month period.
  - b. The recovery of costs incurred for any response taken by the Rural Municipality of Ste. Anne, or any other Municipality responding on behalf of the same, which is a result of the contravention of this by-law.
- 6.5. Any person who has an automatic alarm system that activates a false alarm to which is responded to by the Rural Municipality of Ste. Anne shall be charged a fee of \$300.00 for every third or subsequent offence in any 12-month period.
- 6.6. Each owner or occupier of the land shall be responsible for all fees and charges, as set out in the Municipality's Fees and Charges By-Law, as amended from time to time.

## 7.0. Repeal

- 7.1. By-Law #2023-16, being the Prevention and Control of Fires By-law, of the Rural Municipality of Ste. Anne is repealed.

DONE AND PASSED by the Council of the Rural Municipality of Ste. Anne in Council duly assembled, in Council Chambers this 14<sup>th</sup> day of February, 2024.

Reeve  
Richard Pelletier

Chief Administrative Officer  
Mike McLennan

Read a first time this 24<sup>th</sup> day of January, 2024, by Resolution #2024-38.  
Read a second time this 14<sup>th</sup> day of February, 2024, by Resolution #2024-50.  
Read a third time this 14<sup>th</sup> day of February, 2024, by Resolution #2024-51.