

MUNICIPALITY OF NORTH CYPRESS-LANGFORD

BY-LAW NO. 3/2021

BEING a By-law of the Municipality of North Cypress-Langford for the prevention and control of outdoor fires within the Municipality of North Cypress-Langford.

Definitions

Authority Having Jurisdiction (AHJ): the Municipal Council and the duly appointed agents thereof

Burning Permit: permit issued regulating outdoor and open air burning in burn permit areas

CAO: Chief Administrative Officer

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 the purposes of *The Wildfires Act*.

Outdoor Fire: a fire that is started outdoors including crop residue burning, land clearing and grass burning, but does not include a fire started in, and remains contained within, a fire pit or solid fuel burning appliance and burn barrels with a grated top.

Wildfire Season: means that period in each year commencing on April 1st ending 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 with the Municipality of North Cypress-Langford.

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 program and/or laws for fire prevention purposes;
- (d) Implementing various programs for the purposes of fire suppression;
- (e) Enforcement of any provincial or municipal statutes as they may apply.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF NORTH CYPRESS-LANGFORD IN SESSION ASSEMBLED, ENACTS AS FOLLOWS:

Delegation of Authority

- 1.0 THAT the Authority Having Jurisdiction, Chief Administrative Officer of the Municipality of North Cypress-Langford, Fire Chief and Deputy Chief of both the Carberry North Cypress-Langford Fire Department and the Neepawa Fire Department be appointed as Officers for the purpose of enforcing provincial statutes, regulations as well as this By-law.

Burning Permit Requirements

- 2.0 THAT no person shall start an **Outdoor Fire** within the boundaries of the Municipality of North Cypress-Langford, during the **Wildfire Season** without first obtaining a **Burning Permit**, "Schedule C" from the Fire Chief or designate.
- 2.1 All burning within the municipality shall be subject to the conditions and provisions of *The Wildfires Act* and the *Manitoba Crop Burning Residue Regulation – MR 77/93*, including but not limited to, the following conditions, and those conditions specifically set out with the **Burning Permit**.
- (a) Any **Outdoor Fire** shall be supervised at all times 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 started is completely surrounded by a fire guard consisting of:
 - i) A minimum 50-foot 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 an **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.
 - (h) Any permit can be cancelled at any time by the issuer, if condition exist where, in the opinion of municipality, Fire Chief or designate, fires are of extremely high risk.

- (i) No burning permit will be issued if wind speed is greater than 20 km/hr.

3.0 **Responsibilities of Permit Holder**

- 3.1 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.

4.0 **Exemption from Burning Permit**

- 4.1 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 metres, measured from the nearest fire pit edge is maintained from any structures or any combustibles (i.e., 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 a least 10 metres.

5.0 **Burning Restriction**

- 5.1 Where the fire chief or designate is of the opinion that circumstances in the Municipality of North Cypress-Langford warrant, the fire chief or designate may restrict any type of burning activities (including outdoor fires, fires contained within fire receptacles and solid fuel burning appliances) for the period of time. A fire restriction comes into force at the time set out and which area would be affected. Immediately following the restrictions being placed, the fire chief shall notify the Municipality, broadcast radio/television or reference by posting a notice via social media/website.

- 5.2 The municipality or its designate may, at their discretion ban all recreational off-road travel in the Municipality of North Cypress-Langford if condition exist where, in the opinion of the fire chief, fires are of extremely high risk, and such would pose as a safety risk for all recreation off-road travelers.

Offense and Penalties

- 6.0 It is an offense to contravene any provision of this By-law. Any conviction of an offence is subject to a penalty of not less than \$500.00 or not more than \$5,000.00.

- 6.1 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.

- 7.0 This By-law shall come into force and take effect on the passing thereof.

By-Law 10/2015 is hereby repealed.

This By-law shall come into force and take effect on the passing thereof.

DONE AND PASSED in council duly assembled in Carberry, Manitoba, this 12th day of July, 2021.

MUNICIPALITY OF NORTH CYPRESS-LANGFORD



Reeve



CAO

Read a first time this 14th day of June ,2021
Read a second time this 14th day of June,2021
Read a third time this 12th day of July ,2021

Municipality of North Cypress-Langford

By-Law Number 3/2021

Schedule "C"

Permit to Burn

Authority is hereby granted to:

Phone Number: _____ Cell Phone
Number: _____

Owner/Occupier of: (property description)

in the Municipality of North Cypress-Langford to set fire and burn:

Grass _____ Scrub _____ Stubble _____ Other

on the above-mentioned property between the following
dates _____
to _____

Subject to the following conditions and the provisions of the *Fire Prevention and
Emergency Response Act & Manitoba Burning of Crop Residue Regulations*:

1. To keep fire under control at all times.
2. To bear responsibility for all property damage which may result.
3. To fireguard is as required under Section 2.1 (d) of By-Law No. 3/2021
4. No fire to be set and left unattended.
5. No fire to be set when fire conditions are extreme and hazardous.
6. No fire to be set with winds over 20 km/h
7. Burning Permit must be kept with you while burning.

Date of Issue: _____ Issuer:

Declaration of Permit Holder:

I understand the conditions under which this permit is issued and agree to abide thereby:

Permit Holder

Additional Burning Permits may be required form Manitoba Conservation and Climate-
Carberry

Failure to adhere to the guidelines above may result in fines and/or charges for
expenses incurred by the Fire Department.