



THE RURAL MUNICIPALITY OF VICTORIA BEACH

BY-LAW NO. 1591

A By-Law of the Rural Municipality of Victoria Beach to regulate burning within the Municipality.

WHEREAS Subsection 232(1) of The Municipal Act provides, in part, as follows:

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;

AND WHEREAS Subsection 236(1) of The Municipal Act provides, in part, as follows:

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (b) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,

AND WHEREAS the Council of the Rural Municipality of Victoria Beach deems it necessary to pass a by-law to regulate burning within the Municipality;

NOW THEREFORE the Council of the Rural Municipality of Victoria Beach, in council duly assembled, enacts as follows:

- (1) No person shall set or start an outdoor fire within the Municipality unless it is done so in an outdoor enclosed fireplace or fire pit constructed and used in accordance with this By-Law;
- (2) An outdoor enclosed fireplace or fire pit may be constructed and used for recreational purposes only, providing that:
 - (a) the fireplace or fire pit is fully contained within heavy gauge steel, concrete or cinder blocks and installed on a stable fireproof surface;
 - (b) the walls of the fireplace or fire pit must extend above grade level by a minimum of twenty (20) centimeters;
 - (c) a fire-proof grate is installed covering the fire to minimize errant sparks and embers;

- (d) the fireplace or fire pit must be located a minimum of four (4) metres from any buildings, trees, brush or other combustibles and/or from any property line;
 - (e) when in use the fireplace or fire pit must be attended by a responsible adult person until the fire has been fully extinguished, and;
 - (f) all other conditions imposed in the permit and/or by the Fire Chief or his delegate are complied with;
- (3) No person shall set or start an outdoor fire without first obtaining a Fire Pit Permit from the Municipality's Fire Chief or his delegate;
- (4) No person shall burn anything in a fireplace or fire pit other than solid fuel products. Without limiting the generality of that prohibition, no person may burn garbage, recyclables, household waste, lawn clippings, leaves or any material other than clean combustibles;
- (5) Nothing in this By-Law permits or authorizes a person to use a fireplace or fire pit in a manner that creates a nuisance to any person;
- (6) No fire or burning substance including matches, burning cigars, cigarettes or tobacco be thrown, left or exposed in any manner as will or may expose any building, building material, wood, brush or timber to become ignited or set on fire;
- (7) The imposition of a fire ban by the Municipality shall result in the immediate suspension of all fire pit permits issued by the Municipality for the entire duration of the fire ban;
- (8) Any person guilty of a breach of any of the provisions of this By-law shall be liable to a fine not exceeding One Thousand Dollars (\$1,000.00). Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
- (9) Any applicable fines, costs and charges remaining outstanding after the expiration of thirty (30) days from the date of issue of the offence notice shall be added to the owner's property tax account to be collected in the same manner as a tax may be collected under The Municipal Act;
- (10) By-Law No. 1516 be and the same is hereby repealed.

DONE AND PASSED in Council assembled, in the Rural Municipality of Victoria Beach, in the Province of Manitoba, this 15th day of October, A.D. 2019.

Penny McMorris – Reeve

Raymond Moreau – CAO

Read a first time this 1st day of October A.D. 2019.

Read a second time this 15th day of October A. D. 2019.

Read a third time this 15th day of October A. D. 2019.

Clause 2 amended on second reading.