

**BY-LAW #16/12**

**OF THE**

**RURAL MUNICIPALITY OF ROCKWOOD**

**Being a By-Law of the Rural Municipality of Rockwood for the prevention and the control of wildland fires within the Rural Municipality of Rockwood.**

**WHEREAS** Section 232(1) of *The Municipal Act*, S.M. 1996 C.58 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
- e) Enforcement of any provincial or municipal statutes as they may apply;

**AND WHEREAS** the Rural Municipality of Rockwood deems it expedient and advisable to enact 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 Rockwood;

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

1. **DEFINITIONS:**

- a) “CAO” shall mean the Chief Administrative Officer of the Rural Municipality of Rockwood.
- b) “Designate” shall mean any person authorized by the Rural Municipality of Rockwood to enforce this By-Law on behalf of the Rural Municipality of Rockwood.
- c) “Municipality” shall mean the Rural Municipality of Rockwood.
- d) “Officer” shall mean the Fire Chief, any member of the Fire Service, or any person on behalf of the Rural Municipality of Rockwood appointed as a fire guardian for purposes of *The Wildfires Act*.
- e) “Outdoor Fire” shall mean a fire that is started outdoors including crop residue burning, land clearing and grass burning.
- f) “Wildfire Season” shall mean 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 Rural Municipality of Rockwood.

2. 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*.

3. 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.

**BY-LAW #16/12**

- 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 nature or man-made barriers, water; or
  - iii) by a combination of (i) and (ii).
- e) The smoke from an Outdoor Fire shall not pose an 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. **BURNING BAN:**

The Municipality may, by Resolution, at its discretion, ban **ALL OUTDOOR FIRE BURNING** in the Rural Municipality of Rockwood 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.

8. **OFFENSE AND PENALTIES:**

- a) 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 \$500.00 or not more than \$1,000.00.
- b) 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 omission that resulted in the costs to be incurred.

- 10. This By-Law, #16/12, shall come into force and take effect on the passing thereof.

**DONE AND PASSED** in Council, assembled in the Town of Stonewall, in the Province of Manitoba, this 24<sup>th</sup> day of October, A.D., 2012.

**THE RURAL MUNICIPALITY OF ROCKWOOD**

---

JIM CAMPBELL, REEVE

---

L. GRANT THORSTEINSON, CAO

GIVEN First Reading this 10<sup>th</sup> day of October, A.D., 2012.  
GIVEN Second Reading this 10<sup>th</sup> day of October, A.D., 2012.  
GIVEN Third Reading this 24<sup>th</sup> day of October, A.D., 2012.