

BY-LAW # 05/20

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

Being a By-Law of the Rural Municipality of Rockwood for Fire Prevention and Control of Wildland Fires within the Rural Municipality of Rockwood.

WHEREAS a council may, pursuant to Sections 232(1) pass by-laws for municipal purposes respecting the following matter:

- 232(1)(a) “the safety, health, protection and well-being of people ...”;
- 232(1)(c) “subject to section 233, activities or things in or on private property”; and
- 232(1)(i) “preventing and fighting fires”;

AND WHEREAS it is deemed expedient and in the best interest of the Municipality to pass 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 Council assembled, enacts as follows:

1. **DEFINITIONS:**

- a) “Townsites” shall mean the following Townsites located within the Rural Municipality of Rockwood, described as follows:
 - i) The Townsite of Grosse Isle shall described as the settled portion of the South-East and South West Quarters of Section Six, in Township Thirteen, Range One East of the Principal Meridian, in Manitoba.

(SE 6-13-1E, SW 6-13-1E).
 - ii) The Townsite of Stony Mountain shall be defined as the settled portion of Section One, Eleven, Twelve and Fifteen, all in Township Thirteen, Range Two East of the Principal Meridian, in Manitoba.
(Note: The Townsite of Stony Mountain shall include Hillcrest Trailer Park).

(1-13-2E, 11-13-2E, 12-13-2E, 15-13-2E, 14-13-2E, 10-13-2E & 3-13-2 E).
 - iii) The Townsite of Stonewall Trailer Park shall be defined as the settled portion of the North-West Quarter of Section Twenty-Nine, in Township Thirteen, Range Two East of the Principal Meridian, in Manitoba.

(NW 29-13-2E).
 - iv) The Townsite of Argyle shall be defined as the settled portion of the North-West Quarter of Section Seven and the South-West Quarter of Section Eighteen, both in Township Fourteen, Range One East of the Principal Meridian, in Manitoba.

(NW 7-14-1E, SW 18-14-1E).

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

Page 2

- v) The Townsite of Balmoral shall be defined as the settled portion of the North-East Quarter of Section One, the South-East Quarter of Section Twelve, both in Township Fifteen, Range One East of the Principal Meridian, in Manitoba, the North-West Quarter of Section Six and the South-West Quarter of Section Seven, both in Township Fifteen, Range Two East of the Principal Meridian, in Manitoba.

(NE 1-15-1E, SE 12-15-1E, NW 6-15-2E, SW 7-15-2E).

- vi) The Townsite of Gunton shall be defined as the settled portion of the South-West Quarter of Section Thirty-Three, in Township Fifteen, Range Two East of the Principal Meridian, in Manitoba.

(SW 33-15-2E and N ½ of NW1/4 28-15-2 E).

- vii) The Townsite of Komarno shall be defined as the settled portion of the North-East Quarter of Section Thirty-Three and the North-West Quarter of Section Thirty-Four, both in Township Seventeen, Range Two East of the Principal Meridian, in Manitoba.

(NE 33-17-2E, NW 34-17-2E).

The Council of the Rural Municipality of Rockwood may, by Resolution, delete or designate areas of the Rural Municipality of Rockwood as Townsites for the purposes of number 1. a) hereof.

- b) "Agricultural Waste Burning (Agricultural)" shall mean excess materials derived from agricultural activities and, without limiting the generality of the foregoing, shall include, but is not limited to, crop residues, herbicides, pesticides, fertilizers, and like materials from all agricultural pursuits.
- c) "Agriculture" shall mean the Agricultural Zones established to provide sufficient land for various types of agricultural development.
- d) "Camp Fire Burning (Camp Fires)" shall mean a fire that is set in an enclosed container and located in an area dirt/sand that has been set for cooking or warmth and would normally be considered a camp fire.
- e) "CAO" shall mean the Chief Administrative Officer of the Rural Municipality of Rockwood.
- f) "Construction/Demolition Waste (Construction)" shall mean a mixture of waste building materials and rubble resulting from construction, remodelling, renovations, repairs, demolition or fire in buildings and other structures and includes, but is not limited to, lumber, plaster, concrete, drywall, glass, shingles, siding, electrical, and plumbing fixtures and piping or any combination thereof. Construction/Demolition Waste may be re-classified as Ashes, Combustible, Excavation, Metallic, or Recyclable wastes provided said Construction/Demolition Waste is separated as per the Classifications defined in this Section.
- g) "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.

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

Page 3

- h) “Garbage Burning (Garbage)” shall mean a fire set for the purpose of burning garbage.
- i) “Industrial Waste Burning (Industrial)” shall mean solid and liquid waste materials resulting from, or incidental to, the manufacture, processing, or like operation of factories, processing plants, industrial processes and manufacturing operations and includes waste such as putrescible waste from food processing plants and rendering plants and condemned foods and products.
- j) “Municipality” shall mean the Rural Municipality of Rockwood.
- k) “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*.
- l) “Outdoor Burning Boiler” shall mean a free-standing outdoor fuel-burning apparatus used as a heat source for a building.
- m) “Outdoor Fire” shall mean a fire that is started outdoors including crop residue burning, land clearing and grass burning.
- n) “Rural Residential” shall mean the “RR” Rural Residential Zone which provides for the development of single-family dwellings in a “semi-rural” environment.
- o) “Wildfire Season” shall mean the period in each year commencing on April 1st and ending on November 15th or any other period of time that may be designated by the Rural Municipality of Rockwood.
- p) “Yard Waste Burning (Yard)” shall mean a fire set for the purpose of burning grass clippings, tree branches, leaves, twigs, garden and flower bed vegetation.
- q) “Yardsite” shall mean any property and ditches located in either a townsite or a rural residential zone.

2. REGULATIONS:

- a) Camp fires shall only be allowed in townsites, rural residential zones, and agricultural zones.
- b) Garbage burning shall only be allowed in rural residential zones and agricultural zones provided the garbage is in self-contained apparatus specifically designed for burning.
- c) Yard waste burning shall only be allowed in rural residential zones and agricultural zones.
- d) Agricultural waste burning shall only be allowed in agricultural zones.
- e) Yardsites shall not be allowed to be burnt in townsites and rural residential zones.
- f) Outdoor burning boilers used as a heat source for a building shall:
 - i) Be installed as per the manufacturer’s specifications; and
 - ii) Ashes to be disposed of in a safe manner.

RURAL MUNICIPALITY OF ROCKWOOD

Page 4

- g) Industrial and Construction Waste & Structures shall not be allowed to be burnt in the Rural Municipality of Rockwood, unless approved by the RM of Rockwood, either by the CAO or the Fire Department of jurisdiction, where necessary.
- h) All burning shall be conducted in a manner whereby it is not detrimental to the health and comfort of the residents surrounding the property where the burning is taking place.
- i) All straw and/or bales that are to be burnt on an agricultural field shall require an area to be cultivated around the border of the field of a sufficient width to prevent fire spreading to neighboring properties and ditches and shall be monitored by a responsible person in order to ensure the fire does not get out of control.
- j) All burning within the Municipality shall be subject to the conditions and provisions of *The Wildfires Act*, and the *Burning of Crop Residue and Non-Crop Herbage Regulation - MR 77/93*.
- k) 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.
- l) 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.
- m) 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.
- n) 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.
- o) 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).
- p) 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.
- q) 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.
- r) No burning shall be allowed when the wind exceeds 25 km/h.
- s) All fires must be extinguished when unsupervised.
- t) All federal and provincial legislation shall take precedent over this By-Law.

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

Page 5

3. 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.

4. LEVEL OF FIRE RESTRICTION:

As outlined on the Attached Schedule "A".

5. PENALTIES:

- a) Any person who contravenes or refuses, neglects, omits, or fails to obey or observe any provision of this By-Law is guilty of an offence and, upon summary conviction, liable for a fine not exceeding \$1,000.00 and costs, and in default of paying, to imprisonment for a period not exceeding six (6) months.
- b) Each contravention shall be considered as a separate offence.

6. This By-Law may be deviated from only by resolution of Council.

7. By-Law 33/00 and By-Law 16/12 are hereby repealed by the passing of this By-Law 05/20.

8. This By-Law shall come into force and effect on and from the date of its enactment.

DONE AND PASSED in Council assembled in the Council Chambers of the Rural Municipality of Rockwood, at Stonewall, in the Province of Manitoba, this 27th day of May, A.D., 2020.

THE RURAL MUNICIPALITY OF ROCKWOOD

J. WESLEY TAPLIN, REEVE

CHRIS LUELLMAN, CAO

GIVEN First Reading this 6th day of May, A.D., 2020.
 GIVEN Second Reading this 27th day of May, A.D., 2020.
 GIVEN Third Reading this 27th day of May, A.D., 2020.

SCHEDULE "A"

The Rural Municipality of Rockwood will use various information resources to determine what level of fire restriction is required as well as in distributing the message to residents of the Municipality.

Fire restrictions will be applied in a tier format.

- **Level 1 (Green)** – Fires are allowed in approved receptacles. Open-air fires are allowed.
- **Level 2 (Orange)** – Fires are only allowed in approved receptacles. **NO** open-air fires allowed.
- **Level 3 (Red)** – **NO** Fires of any type are allowed.

The following sources of information will be used in determining the fire restriction level.

- Government of Manitoba Fire Hazard Map
- Fire Chiefs - Fire Departments – Stonewall-Rockwood, Teulon-Rockwood and Stony Mountain
- Historical Analysis

The Rural Municipality of Rockwood will keep residents informed via the RM of Rockwood website, postings in the local newspapers, Fire Department Facebook page, and posted signs within the community.

What is an approved Receptacle?

Fire Pits – An approved fire pit must:

1. Be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Fire Chiefs;
2. Have a spark arrestor, grille or mesh and constructed of a non-combustible material, which is used to cover the entire area of the fire pit opening; and
3. Be located on a flat, level, non-combustible base and vertically clear of any overhead combustible materials such as eaves, tree branches, utility wires, etc.;
4. Not be used for commercial or industrial applications;
5. Use only clean, dry wood or charcoal briquettes. Fire pits may not be utilized for burning of garbage, rubbish, grass, leaves, painted or treated wood which may result in the release of dense smoke, or obnoxious odors.
6. A minimum clearance of 3 meters (10 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees, hydro piles. A minimum distance of 3 meters (10 feet) shall also be maintained from neighbouring property lines.

Outdoor Barbeque – An approved outdoor Barbeque must be:

1. Be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Fire Chiefs;

2. Be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille, or mesh;
3. Not be used for commercial or industrial applications.

Outdoor Fireplaces – An approved outdoor fireplace must:

1. Be constructed of masonry, concrete, heavy gauge metal or mesh or other non-combustible materials acceptable to the Fire Chiefs;
2. Have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created;
3. Have its chimney opening entirely covered by a non-combustible spark arrestor, grille or mesh;
4. Have a side opening to the fire chamber which does not exceed .084 square meters (9 square feet) in area;
5. Has its side opening entirely covered by a non-combustible spark arrestor, grille or mesh; and
6. Not be used for commercial or industrial applications.

Outdoor Warming Receptacle

An approved outdoor warming fire receptacle must be in a metal receptacle in good repair that has a maximum capacity of 205 litres (45 gallons). It is strongly recommended that all openings be entirely covered by removable, non-combustible spark arrestors, grilles, or mesh with openings no larger than 12mm (1/2 inch).

What is an Open-Air Fire?

Open-air fire means that a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble, or crop residue and for religious or ceremonial purposes.

Rules Regarding Open-Air Fires – A person in charge of an open-air fire must ensure that:

1. A fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished;
2. The fire is always kept under control;
3. An adequate supply of water, sand, garden hose or some other means of controlling and extinguishing the fire is readily accessible;
4. The fire is not set or maintained in conditions or located which will or could result in:
 - a. Smoke which causes a nuisance or irritation to people adjacent properties;
 - b. Reduced visibility of any highway or road;
 - c. A rapid spread of fire through grass or brushed area;
5. The fire is not set or maintained when the wind exceeds 25 kilometer per hour;
6. Do not burn wet or damp wood which may contribute greatly to heavy smoke propagation;
7. Residents are allowed to burn overburden provided it is done within the confines of this By-law and done with caution and care.