

THE RURAL MUNICIPALITY OF MONTCALM



BY-LAW NO. 793/18

BEING A BY-LAW FOR FIRE PREVENTION AND REGULATION OF BURNING WITHIN THE RURAL MUNICIPALITY OF MONTCALM

WHEREAS Section 232(1) of The Municipal Act provides that 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) Enforcement of By-Laws

AND WHEREAS Section 270 of The Municipal Act provides that a fire protection force may take such action as it considers reasonably necessary, including using any real or personal property, entering a building or upon land and demolishing or removing a building, tree, structure or crop to provide fire protection services and, subject to council's approval under section 268, to prevent injury and to preserve life and property;

AND WHEREAS Section 252 (1) of The Municipal Act provides that a Municipality exercising powers in the nature of those referred to in clauses 250(2)(b),(c), and (e) may set terms and conditions in respect of users including:

- (a) Setting the rates or amounts of deposits, fees and other charges and charging and collecting them

AND 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 Montcalm.

NOW THEREFORE the council of the Rural Municipality of Montcalm, in Council assembled, enacts as follows:

DEFINITIONS

1.0 (a) Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in the Act and in the Code.

(b) In this By-law, words importing the singular number only shall include the plural and vice versa, and words importing gender shall include all genders.

(c) In this by-law:

(1) "ACT" means The Municipal Act S.M. 1996, c.58, C.C.S.M. c.M225 as amended from time to time.

(2) "Authority Having Jurisdiction (AHJ)" means the municipal council and the duly appointed agents thereof.

(3) "Council" means the duly elected Reeve and Councillors of The Rural Municipality of Montcalm

(4) "CAO" means the Chief Administrative Officer of the municipality.

(5) "Designated" means any person authorized by the AHJ to enforce this by-law on behalf of the AHJ.

(6) "Fire" means any type of fire, including a wildfire

(7) "Officer" means the Fire Chief, any member of the Fire Service or any person on behalf of the AHJ, appointed as a fire guardian for purposes of The Wildfires Act, C.C.S.M., W128.

(8) "Outdoor Fire" means a fire that is started outdoors but does not include a fire that is started in, and remains contained within, a container or fire pit;

(9) "Wildfire Season" means 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 AHJ.

(10) "Land" means property in the Rural Municipality of Montcalm, including both property located within a village or town and rural property.

(11) "Municipality" means The Rural Municipality of Montcalm

(12) "Wildfire" means an outdoor fire that is burning out of control or that an officer believes may burn out of control;

DELEGATION OF AUTHORITY

2.0 THAT the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Rural Municipality of Montcalm be appointed as officers for the purpose of enforcing provincial statutes, regulations as well as this by-law.

RESPONSIBILITIES

3.0 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.

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.

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.

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 such as:

i) Wind Velocity is not in excess of 16 km/h (10 mph)

ii) The smoke from an Outdoor Fire shall not pose unreasonable hazard to the health of any person or livestock or reduce the visibility on any road or highway.

d) No person shall:

i) Light a fire in a fire pit or burn garbage in a container, unless it is suitable for that purpose providing:

a) that the wind velocity does not exceed 32 km/h (20mph)

b) the fire pit or container has a minimum clearance of 3 meters (10 feet) measured from the nearest fire pit edge from any combustible buildings or sheds or other combustible structures such as fences, trees and hydro poles.

d) A minimum of 3 meters (10 feet) shall be maintained from neighboring property lines.

e) All fires must be extinguished when unsupervised.

BURNING BAN

- 4.0 The Fire Chief(s) and the Chief Administrative Officer shall have the authority, jointly, to implement a municipality-wide or a designated area Fire Ban (including fires contained within fire pits, burn containers and solid fuel burning appliances) to ensure the safety and protection of the municipal residents and their property. The Fire Chief after consultation with the Fire Chief Association, shall bring forth his recommendation to the CAO, who shall consult with the Reeve regarding the proposed Fire Ban recommendation. Immediately upon declaring the Ban, the CAO shall make contact with the local media, council, staff, Fire Department representative, the Office of the Fire Commissionaire and neighbouring municipalities.
- 5.1 If a burn ban is in place, no person shall light a fire in any area of the municipality without first obtaining a permit for the intended burning from the municipality. Authorization of all burn permits will be done jointly between the Fire Chief(s) and Chief Administrative Officer or designate and the permit shall be in the form set forth in Schedule "A" attached to this by-law.
- 5.2 For the termination of the declared Fire Ban, the same consultative process for the implementation of a Fire Ban shall be used. The Fire Chief and Chief Administrative Officer jointly, after consultation with the Fire Chief Association and the Reeve, shall declare the termination of the Fire Ban when conditions that instigated this ban have been reduced and that the threat of danger to residents and their property have been eliminated. The CAO shall make contact with the same distributions list as listed in 5.0.
- 5.3 The burning permit shall be in the form set forth in Schedule "A" attached to this By-Law.
- 5.4 The Municipality may revoke or prohibit the issuance of burning permits as it sees fit.

OFFENCE AND PENALTIES

- 6.0 Any person who contravenes a provision of this by-law is committing an offence and liable on conviction to payment of a fine of not less than (this includes burning without a permit):
- a) One hundred dollars (\$100.00) for the first offence.
 - b) Two hundred dollars (\$200.00) for the second offence.
 - c) three hundred dollars (\$300.00) for the third offence; and
 - d) Five hundred dollars (\$500.00) for each subsequent offence.
- 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. A schedule of such costs attached hereto as Schedule "B".
- 6.2 All costs imposed to extinguish a fire that was set in contravention of the By-law, are a debt owed by the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.
- 6.3 Where a person is in contravention under this by-law the municipality is entitled to be reimbursed by the person(s) for costs of repairing any damages incurred to municipal property as a result on the contravention.
- 6.4 Any person who hinders or obstructs the Authority Having Jurisdiction in the exercise of his or her duty is guilty of an offence and liable on summary conviction to a fine of not less than \$100.00 and not more than \$1,000.00.

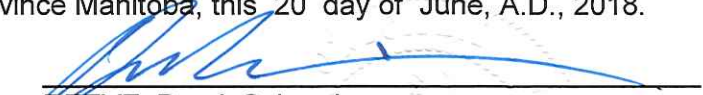
REPEAL

- 7.0 That By-Law no. 556/97 is hereby repealed.


VALIDITY OF BY-LAW

- 8.0 Should any provision of this by-law or the Code hereby adopted be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of the by-law and the Code independent of the elimination of any such portion as may be declared invalid.

DONE AND PASSED as a by-law of the Rural Municipality of Montcalm, in Council duly assembled, at Letellier, in the Province Manitoba, this 20 day of June, A.D., 2018.



REEVE, Derek Sabourin



C.A.O., Jolene Bird

READ A FIRST TIME this 16 day of May, A.D., 2018.
READ A SECOND TIME this 20 day of June, A.D., 2018.
READ A THIRD TIME this 20 day of June, A.D., 2018.

Schedule "A" to By-law 793/18
The Rural Municipality of Montcalm



BURNING PERMIT

AUTHORITY IS HEREBY GRANTED TO _____ of

_____ Owner (or Tenant) of:

_____ 1/4 Section _____ Township _____ Range

_____ EPM

in the R.M. of Montcalm to set fire and burn:

Grass _____ Stubble _____ Shrub _____ Other _____

_____ on the above mentioned property between the _____ day of

_____, 20__ and the _____ day of _____, 20__,

subject to the following conditions and the provisions of The Wildfires Act:

1. To keep fire under control at all times.
2. To fireguard the area as required under the terms of "The Wildfires Act"
3. No fire to be set if wind velocity exceeds 16 km/h (32 MPH)

RURAL MUNICIPALITY OF MONTCALM

Date _____, 20_____

Per: _____

Title: _____

Declaration of Permittee:

I will adhere to all provisions of By-Law No. 793/18. I understand that if the fire escapes from my property, I may be responsible for all costs of The R.M. incurred in fighting the fire, and any losses arising therefrom to public property.

Phone No. _____

Signature of Permittee

Schedule "B" of By-law 793.18
The Rural Municipality of Montcalm



RM of Montcalm Fire Department Equipment Rates

Calculation Method:

All units - Time starts at the time of the call and ends when the department is back in service

Labour - Time starts at the time of the call and ends when all equipment has been serviced i.e. refueled, filled with water, maintained, reports completed, etc.

Fire Hall	Description	Hourly Rate	Comments
St. Jean	2005 Freightliner Pumper	\$ 400.00	
St. Jean	2003 Dodge Ram 3500 SLT Quad Cab – 841 Rescue	\$ 400.00	
St. Jean	2010 Zodiac Futura Boat	\$ 400.00	
Letellier	1983 Ford F800 – 741 Pumper	\$ 400.00	
Letellier	1993 Freightliner – 742 Rescue	\$ 400.00	
Letellier	2010 ZodiaK Futura Boat	\$ 400.00	
Letellier	2016 International – 743 Pumper	\$ 400.00	
Letellier	John Deere Gater Side x Side Xuv – 744	\$ 150.00	
Labour		\$ 20.00	This rate is multiplied by the number of FF attending to the fire for the total number of hours