

THE RURAL MUNICIPALITY OF MONTCALM



BY-LAW NO. 810/19

BEING A BY-LAW TO REGULATE BURNING WITHIN THE LIMITS OF ST. JEAN BAPTISTE, ST. JOSEPH AND LETELLIER

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 excising 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 the Council of the RM of Montcalm deems it necessary and in the best interests of the LUD of St. Jean Baptiste, the town of Letellier and the town of St. Joseph to regulate and control burning of materials within their limits.

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

DEFINITIONS

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

1.0 DELEGATION OF AUTHORITY

- 1.1 **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.

2.0 RESPONSIBILITIES

- 2.1 **THAT** there shall be no open, uncontained fires allowed within the limits of the LUD of St. Jean Baptiste and the towns of St. Joseph and Letellier
- 2.2 **THAT** property owners wishing to construct a "fire pit" for recreational uses may be allowed to under the following conditions:
 - 2.2.1 **THAT** the "fire pit" shall be made from either a heavy gauge steel or concrete/cinder block,
 - 2.2.2 **THAT** the "fire pit" shall be a minimum of eight (8) inches in height, and
 - 2.2.3 **THAT** the "fire pit" shall be located a minimum of twenty-five (25) feet from any buildings and a minimum of fifteen (15) feet from any property line.
- 2.3 **THAT** property owners wishing to use a "fire pit" shall ensure that:
 - 2.3.1 The "fire pit" must only be used for burning solid fuel products. Garbage and/or recyclables as well as lawn clippings, leaves and any other compostable material shall not be burnt in said "fire pit",
 - 2.3.2 Any fire shall be extinguished prior to being left unattended.
- 2.4 **THAT** any existing "fire pits" will be deemed to be in compliance with this by-law, however if the said "fire pit" does not meet the above yard requirements, the CAO, Fire Chief or designated officer shall have the discretion to either allow the said "fire pit" to remain or demand that it comply with the above requirements, depending on the individual yards landscaping and building features.

3.0 OFFENCE AND PENALTIES

- 3.1 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:
 - 3.1.1 One hundred dollars (\$100.00) for the first offence.
 - 3.1.2 Two hundred dollars (\$200.00) for the second offence.
 - 3.1.3 Three hundred dollars (\$300.00) for the third offence; and
 - 3.1.4 Five hundred dollars (\$500.00) for each subsequent offence.

3.2 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 "A".

3.3 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.

3.4 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.

3.5 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.

DONE AND PASSED as a by-law of the Rural Municipality of Montcalm, in Council duly assembled, at Letellier, in the Province Manitoba, this 17 day of July, A.D., 2019.



Paul Gilmore
REEVE



Jolene Bird, CMMA

READ A FIRST TIME this 20 day of June, A.D., 2019.

READ A SECOND TIME this 17 day of July, A.D., 2019.

READ A THIRD TIME this 17 day of July, A.D., 2019.

Schedule "A" of By-law 810/19
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 Zodiac 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