

Municipality of Norfolk Treherne
Prevention and Control of Wildland Fires
By-Law No. 30-2017

BEING A BY-LAW OF THE MUNICIPALITY OF NORFOLK TREHERNE for the prevention and control of wildland fires within the Municipality of Norfolk Treherne.

WHEREAS it is deemed expedient and advisable 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 Municipality of Norfolk Treherne:

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;
- (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; and
- (e) Enforcement of any provincial or municipal statues as they may apply.
- (i) preventing and fighting fires;

AND WHEREAS section 236 (1) of *The Municipal Act* provides that without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (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,
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
 - (v) charging and collecting costs incurred in respect of acting under subclause (iv),
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.

NOW THEREFORE the Council of the Municipality of Norfolk Treherne in session assembled, enacts as follows:

1.0 Definitions:

- 1.1 **Authority Having Jurisdiction or AHJ** means the Municipal Council of the Municipality of Norfolk Treherne and the duly appointed agents thereof.
- 1.2 **CAO** means the Chief Administrative Officer of the Municipality of Norfolk Treherne.
- 1.3 **Designate** means any person authorized by the Authority Having Jurisdiction to enforce this by-law on behalf of the Authority Having Jurisdiction.
- 1.4 **Officer** means the Fire Chief, any member of the Fire Service or any person on behalf of the Authority Having Jurisdiction, appointed as a fire guardian for purposes of *The Wildfires Act*.
- 1.5 **Outdoor Fire** means a fire that is started outdoors including crop residue burning, land clearing and grass burning.
- 1.6 **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 Authority Having Jurisdiction.
- 1.7 **Fire Protection Committee** means a committee comprised of the following individuals:
 - The Reeve and/or the Deputy Reeve of the Municipality of Norfolk Treherne;
 - Fire Chief and/or the Deputy Fire Chief for the Treherne-South Norfolk Volunteer Fire Department;
 - Fire Chief and/or the Deputy Fire Chief for the Rathwell Volunteer Fire Department.

2.0 Delegation of Authority

- 2.1 **THAT** the Authority Having Jurisdiction, Chief Administrative Officer, Manager of Operations, By-Law Enforcement Officer or designate of the Municipality of Norfolk Treherne be appointed as Officers for the purpose of enforcing provincial statutes, regulations as well as this by-law.

3.0 Responsibilities

- 3.1 **THAT** all burning within the municipality shall be subject to the conditions and provisions of *The Wildfires Act*, the *Manitoba Crop Burning Residue Burning Regulation* and the **Municipal By-Law regulating burning within the urban communities of Treherne, Rathwell and Lavenham**.
- 3.2 **THAT** 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.
- 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 natural or man-made barriers, water, or
 - iii) by a combination of (i) and (ii).
- e) The smoke from **Outdoor Fire** shall not pose 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.

4.0 Burning Ban

- 4.1 **THAT** the Fire Protection Committee may, at their discretion, ban certain types of burning or **ALL BURNING** (including fires contained within fire pits and solid fuel burning appliances) in the Municipality of Norfolk Treherne if conditions exist where, in their opinion, fires are of extremely high risk, and such a ban would prevent wildfires from occurring.

5.0 Notification

- 5.1 **THAT** the Municipality will follow the procedures outlined on the attached Schedule "A" to notify the public of a burning ban.
- 5.2 **THAT** Schedule "A" can be amended by council resolution.

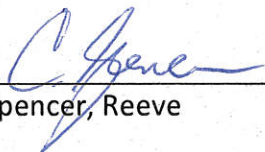
6.0 Offense and Penalties

- 6.1 **THAT** any person who contravenes this by-law is committing an offense and is subject to payment of a municipal fine up to **\$1,000.00**.
- 6.2 **THAT** all fines and costs imposed on a contravention under this By-law, are a debt owed by the property owner on which the fire was located, to the Municipality and may be collected by the Municipality in the same manner as a tax may be collected.

7.0 **THAT** this by-law repeals the Municipality of Norfolk Treherne's By-Law No. 18-2016.

8.0 THAT this by-law shall come into force and take effect on the passing thereof.

DONE AND PASSED by the Council of the Municipality of Norfolk Treherne, in Council duly assembled this 9 day of May, A.D., 2017.



Craig Spencer, Reeve



Jackie Jenkinson, C.A.O.

Read a first time this	<u>10</u>	day of	<u>April</u>	A.D. 2017
Read a second time this	<u>10</u>	day of	<u>April</u>	A.D. 2017
Read a third time this	<u>9</u>	day of	<u>May</u>	A.D. 2017



SCHEDULE "A"
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Notification

Once a burning ban is implemented and when lifted, Municipal Staff will:

1. Post a notice on the Municipal Website, at the Municipal Office, Treherne Post Office, Rathwell Post Office and at the Lavenham mail boxes.
2. Notify CFRY.
3. Email the Province of Manitoba at firecomm@gov.mb.ca requesting the ban be posted on their Current Municipal Burning Restrictions webpage.
4. Notify the campground Manager if recreational fires are included in the ban.
5. Notify the Transfer Station Contractor(s), the Treherne and Rathwell Fire Chiefs, Council and all Municipal staff.
6. Post burning ban signage along the following areas / roads:
 - a. Campground entrance and at the wood shed.
 - b. 42N & 58W along Hwy 2 (West Entrance)
 - c. 44N & 42W along Hwy 2 (East Entrance)
 - d. 36N & 54W along Hwy 242 (South Entrance)
 - e. 36N & 48W along Hwy 245 (South Entrance)
 - f. 54N & 52W along Hwy 350 (North Entrance)
 - g. 54N & 43W along Hwy 305 (North Entrance)
 - h. 40N & 42W along Hwy 305 (East Entrance)
 - i. At the three entrances to Treherne:
 - i. Alexander Street (across from the Esso)
 - ii. By Green's Hill
 - iii. Entrance at Timmerman Trail
 - j. By the mailboxes in Lavenham
 - k. At the two entrances to Rathwell:
 - i. One on Railway Street by the railroad tracks off Highway 244

ii. One near the Rathwell sign off Highway 2

7. Post on the Norfolk Treherne CDC Facebook page.
8. Place an ad in the Times (only for implementation, not when it's lifted).