

## TOWN OF CARBERRY

### BY-LAW NO. 4/2016

BEING a By-law of the Town of Carberry for the prevention and the control of outdoor fires within the Town of Carberry.

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 with the Town of Carberry.

AND WHEREAS Section 232(1) of *The Municipal Act* 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 program 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 the may apply.

NOW THEREFORE THE COUNCIL OF THE TOWN OF CARBERRY IN SESSION ASSEMBLED, ENACTS AS FOLLOWS:

#### 1.0 Delegation of Authority

- 1.1 THAT the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Town of Carberry be appointed as Officers for the purpose of enforcing provincial statutes, regulations as well as this By-law.

#### 2.0 Responsibilities

- 2.1 All burning within the municipality shall be subject to the conditions and provisions of *The Wildfire Act*, and the *Manitoba Crop Burning Residue Burning Regulation - MR 77/93*.
- 2.2 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 an 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.

### 3.0 Burning Ban

- 3.1 The municipality may, by resolution at their discretion, ban **ALL BURNING** including fires contained within fire pits and burning barrels in the Town of Carberry 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.

### 4.0 Offense and Penalties

- 4.1 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.
- 4.2 It is an offence to contravene any provision of this By-law. Any conviction of an offense is subject to a penalty of no less than \$500.00 or no more than \$2500.00.

This By-law shall come into force and take effect on the passing thereof.

DONE AND PASSED in council duly assembled in Carberry, Manitoba, this 10 day of May, 2016.

**TOWN OF CARBERRY**

Mayor

CAO

Read a first time this 5 day of May, 2016.

Read a second time this 5 day of May, 2016.

Read a third time this 10 day of May, 2016.