

TOWN OF CARBERRY

BY-LAW NO. 6/2001

BEING a by-law of the Town of Carberry providing for the regulating and prohibiting of open fires.

WHEREAS Section 232(1) of The Municipal Act provides, in part,

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;
- (c) subject to Section 233, activities or things in or on private property;
- (i) preventing and fighting fires;

AND WHEREAS Section 232(2) of The Municipal Act provides, in part,

Without limiting the generality of subsection (1), a council may in a by-law passed under this Division:

- (a) regulate or prohibit;

AND WHEREAS Section 233 of The Municipal Act provides, in part,

A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of:

- (d) activities or things that in the opinion of council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS the Council of the Town of Carberry deems it expedient and in the best interests of the citizens of the Town of Carberry to pass regulations for the prevention and suppression of fires in the Town;

NOW THEREFORE the Council of the Town of Carberry, in regular Council assembled, enacts as follows:

1. THAT all fires be prohibited within the boundaries of the Town of Carberry for the burning of leaves, straw, stubble, garden and other refuse, on the surface of the ground, in pits, barrels or other unapproved containers/incinerators.
2. THAT wood may be burnt, on the surface ground, under continuous adult supervision, without a Special Burning Permit.
3. THAT the operation of enclosed incinerators that comply with the Manitoba Building Code are permitted.
4. THAT campfires and pit barbecues are permitted only when attended by an adult. When unattended, the said campfire or pit barbecue must be completely extinguished.
5. THAT a nuisance shall be deemed to be created with the following circumstances and any permitted use in this by-law is subject to the conditions that:
 - (a) any smoke that is emitted by any fires shall not be allowed to enter into the house or building of an adjacent property owner causing a nuisance to the other property owner.
 - (b) that any fire shall not interfere, to a significant extent, with adjacent property owner's use and enjoyment of their outdoor property by causing smoke to move across the adjacent property owner's property.
 - (c) any emission of smoke that may affect the health of the adjacent property owner.
6. THAT any person, persons or corporation found violating any provisions of this by-law, shall be fined a sum of \$100.00 plus costs, or upon conviction before a Provincial Court Judge or Justice of the Peace, be liable for a penalty of not less than \$50.00 nor more than \$1,000.00, plus costs. In default of payment thereof, that person may be imprisoned in the common gaol for a period not exceeding 90 days, unless the said penalty and costs are sooner paid.
7. THAT this by-law shall come into effect upon the passing thereof.

DONE AND PASSED by the Council of the Town of Carberry duly assembled this 8 day of November, 2001.

TOWN OF CARBERRY

Edward D. Dwyer
Mayor

Roger Huel
CAO

Read a first time this 27 day of September, 2001.

Read a second time this 11 day of October, 2001.

Read a third time this 8 day of November, 2001.