

**TOWN OF STONEWALL
BY-LAW NO. 08-25**

Being a By-Law of the Town of Stonewall for the prevention and the control of fires within the Town of Stonewall.

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 Town of Stonewall; 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 programs 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 they may apply

THEREFORE The Council of the Town of Stonewall, duly assembled, enacts as follows:

DEFINITIONS:

“Agricultural Waste Burning (Agricultural)”: shall mean excess materials derived from agricultural activities and, without limiting the generality of the foregoing, shall include, but is not limited to, crop residues, herbicides, pesticides, fertilizers, and like materials from all agricultural pursuits.

“Agriculture”: shall mean the Agricultural Zones established to provide sufficient land for various types of agricultural development.

“Annexed Lands”: means the lands located in the five quarter sections identified as: NE35-13-1E, SE35-13-1E, NE26-13-1E, SE26-13-1E, and NW19-13-2E.

“Approved Gas Appliances” means portable or fixed appliances that are fueled by propane or natural gas and are certified for use in Canada by an accredited testing agency such as the Canadian Standards Association (CSA), Underwriters Laboratories of Canada (ULC), or other recognized certification body. These appliances include gas barbecues, outdoor fireplaces, fire bowls, patio heaters, and similar devices that are specifically designed and manufactured for outdoor use, and are used in accordance with the manufacturer’s instructions and safety guidelines. Approved gas appliances must be equipped with a functioning shut-off valve and shall not be modified in any way that compromises their safety certification.

“Approved Receptacle” means an approved fire pit, approved outdoor barbeque, approved outdoor fireplace or approved outdoor warming fire receptacle as described in Schedule “A”.

“Authority Having Jurisdiction (AHJ)”: the Municipal Council and the duly appointed agents thereof.

“Burning Apparatus”: shall mean an incinerator, burning barrel or receptacle, or any other apparatus constructed or used for the purpose of disposing by the means of fire any combustible waste.

“Camp Fire Burning (Camp Fires)”: shall mean a fire that is set in an enclosed container and located in an area of dirt/sand that has been set for cooking or warmth and would normally be considered a camp fire.

“CAO”: the Chief Administrative Officer of the municipality.

“Construction/Demolition Waste (Construction)”: shall mean a mixture of waste building materials and rubble resulting from construction, remodeling, renovations, repairs, demolition or fire in buildings and other structures and includes, but is not limited to, lumber, plaster, concrete, drywall, glass, shingles, siding, electrical, and plumbing fixtures and piping or any combination thereof. Construction/Demolition Waste may be re-classified as Ashes,

Combustible, Excavation, Metallic, or Recyclable waste provided said Construction/Demolition Waste is separated as per the Classifications defined in this Section.

“Designate”: any person authorized by the AHJ to enforce this By-Law on behalf of the AHJ.

“Garbage Burning (Garbage)”: shall mean a fire set for the purpose of burning garbage.

“Industrial Waste Burning (Industrial)”: shall mean solid and liquid waste materials resulting from, or incidental to, the manufacture, processing, or like operation of factories, processing plants, industrial processes and manufacturing operations and includes waste such as putrescible waste from food processing plants and rendering plants and condemned foods and products.

“Officer”: 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.

“Open Air Fire”: shall mean a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble, or crop residue for the religious or ceremonial purposes.

“Outdoor Burning Boiler”: shall mean a free-standing outdoor fuel-burning apparatus used as a heat source for a building.

“Outdoor Fire”: shall mean a fire that is started outdoors including crop residue burning, land clearing, and grass burning.

“Quarry Park Campground”: means the campground in Quarry Park run by the Town located at 141 4th Street East as identified on the map in Schedule “B”.

“Recreational Burning”: shall mean any fire that is ignited in an approved receptacle which is fuelled solely from wood, charcoal, natural gas, or propane and is for the purpose of recreational or leisure enjoyment and shall include but is not limited to a fire for the purpose of cooking.

“Wildfire Season”: 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.

“Yard Waste Burning (Yard)”: shall mean a fire set for the purpose of burning grass clippings, tree branches, leaves, twigs, garden and flower bed vegetation.

“Yard Site”: Shall mean any property and ditches located within the annexed lands.

DELEGATION OF AUTHORITY:

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

RESPONSIBILITIES:

- 2.0 All burning within the Town of Stonewall shall be subject to the conditions and provisions of *The Wildfires Act*, and the *Manitoba Crop Burning Residue Burning Regulation – MR 77/93*.
- 2.1 AUTHORIZATION to conduct Recreational 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 Recreational Burning 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 any Recreational Burning 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 any Recreational Burning 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) The smoke from any Recreational Burning shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
- e) A sufficient water supply and means of fire suppression capable of extinguishing the Recreational Burning based on its fuel loading and size shall be available on site.
- f) All fires must be extinguished when unsupervised.
- g) No person shall dispose of any solid combustible waste as defined in the Environment Act and shall also include yard waste such as, but not limited to, leaves, grass clippings, twigs, branches and garden and flower bed vegetation by the means of open burning within the limits of the Town of Stonewall.
- h) Campfires shall be allowed in the Quarry Park Campground.

2.2 AUTHORIZATION to conduct approved types of burning in the annexed lands as identified in this By-Law 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.

2.2.1 General Rules

- a) Campfires shall be allowed in the annexed lands.
- b) Garbage burning shall only be allowed in the annexed lands provided the garbage is in self-contained apparatus specifically designed for burning.
- c) Yard waste burning shall be allowed in the annexed lands.
- d) Yard sites shall not be allowed to be burnt.
- e) Agricultural waste burning shall be allowed in agricultural zones located in the annexed lands except when wind exceeds 25 km/hour according to Environment Canada.
- f) Outdoor burning boilers used as a heat source for a building be allowed in the annex lands and shall:
 - i) be installed as per the manufacturer's specifications; and
 - ii) require ashes to be disposed of in a safe manner.
- g) Industrial and Construction Waste & Structures shall be allowed to be burnt, but only with written approval by the Town of Stonewall, either by the CAO or the Fire Department.
- h) All burning shall be conducted in a manner whereby it is not detrimental to the health and comfort of the residents surrounding the property where the burning is taking place nor reduce the visibility on any road or highway.
- i) All burning within the annexed lands shall be subject to the conditions and provisions of the Wildfire Act, and the Burning of Crop Residue and Non-Crop Herbage Regulation – MR 77/93 in addition all federal and provincial legislation shall take precedent over this by-law.

2.2.2 Outdoor Fire Burning

- a) Any Outdoor Fire within the annexed lands shall be supervised by the Owner or Occupier of the land or a person 18 years of age or older authorized by the Owner or Occupier of the land.

- b) No person shall start an Outdoor Fire within the annexed lands 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 within the annexed lands 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. (ie. wind exceeds 25 km/h according to Environment Canada.)
- d) No person shall cause an Outdoor Fire to be started in the annexed lands in order to guard property, clear land or burn debris; burn crop, stubble, grass, or bales; 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 nature or man-made barriers, water; or
 - iii) by a combination of (i) and (ii).

2.2.3 Open Air Fires

Rules regarding Open Air Fires in the Annexed Lands:

- a) fire is always supervised by a person 18 years of age or older authorized by the Owner or Occupier of the land until and unless it is fully extinguished;
- b) No person shall start an Open Air Fire within the annexed lands 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. (ie. wind exceeds 25 km/h according to Environment Canada.)
- c) an adequate supply of water, sand, or some other means of controlling and extinguishing the fire is readily accessible;
- d) the fire is not set or maintained in conditions or locations which could result in:
 - a. Smoke which causes a nuisance or irritation to people adjacent properties;
 - b. Reduced visibility of any highway or road;
 - c. A rapid spread of fire through grass or brushed area;
- e) do not burn wet or damp wood which may contribute greatly to heavy smoke propagation;
- f) residents are allowed to burn overburden provided it is done within the confines of this By-Law and done with caution and care.

BURNING BAN:

- 3.0 The Fire Chief at his/her discretion may impose fire restrictions based on the Level of Fire Restrictions identified in Schedule A. The Town Council will confirm the fire restriction by resolution.
- 3.1 The Fire Chief at his/her discretion may ban all burning (including fires contained within fire pits and solid fuel burning appliances) in the Town of Stonewall if conditions exist where, in the opinion of the Town, fires are of extremely high risk, and such a ban would prevent wildfires from occurring. The Town Council will confirm the Fire Chief's ban by resolution.

OFFENSE AND PENALTIES:

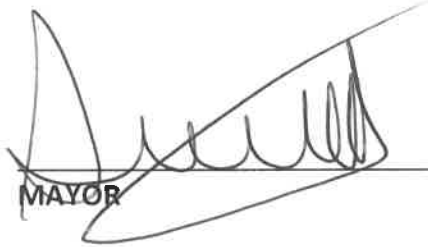
- 4.0 It is an offense to contravene any provisions of this By-Law. Any conviction of an offence is subject to a penalty of not more than \$500.00.
- 4.1 Where a person is in contravention under this By-Law, in addition to imposing a fine, the Town of Stonewall is entitled to be reimbursed by the person(s) for costs incurred by the Town of Stonewall 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.

REPEAL:

5.0 That By-Law No. 02-24 be hereby repealed in its entirety.

DONE AND PASSED as a By-Law of the Town of Stonewall by the Council, duly assembled in the Town Hall this 2nd day of July, A.D. 2025.




MAYOR


CHIEF ADMINISTRATIVE OFFICER

Read a first time this 18th day of June, A.D. 2025;
Read a second time this 2nd day of July, A.D. 2025;
Read a third time this 2nd day of July, A.D. 2025.

**TOWN OF STONEWALL
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SCHEDULE "A"

The Town of Stonewall will use various information resources to determine what level of fire restriction is required as well as in distributing the message to residents of the Town.

Fire restrictions will be applied in a tier format.

- Level 2 (Orange) – Fires are only allowed in approved receptacles for the entire town. NO open-air fires are allowed in the annexed lands or Quarry Park Campground.
- Level 3 (Red) – NO fires of any type are allowed (full burning ban) for the entire Town including the annexed lands except in approved gas appliances.

The following sources of information will be used in determining the fire restriction level.

- Government of Manitoba Fire Hazard map
- Fire Chiefs – Fire Departments – Stonewall-Rockwood
- Historical Analysis

The Town of Stonewall will keep residents informed via the Town of Stonewall website, postings in the local newspapers, Fire Department Facebook page, Town of Stonewall social media pages, and posted signs within the community.

What is an approved Receptacle?

Fire Pits – an approved fire pit must:

1. Be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Fire Chief.
2. Have a spark arrestor, grille or mesh with openings no larger than 12mm (1/2 inch) and constructed of a non-combustible material, which is used to cover the entire area of the fire pit opening.
3. Be located on a flat, level, non-combustible base and vertically clear of any overhead combustible materials such as eaves, tree branches, utility wires, etc.
4. Not be used for commercial or industrial applications.
5. Use only clean, dry wood or charcoal briquettes. Fire pits may not be utilized for burning or garbage, rubbish, grass, leaves, painted or treated wood which may result in the release of dense smoke, or obnoxious odours.
6. A minimum clearance of 3 meters (10 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees, hydro poles. A minimum of 3 meters (10 feet) shall also be maintained from neighbouring property lines.

Outdoor Barbeque – an approved outdoor barbeque must:

1. Be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Fire Chief.
2. Be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille, or mesh.
3. Not be used for commercial or industrial applications.

Outdoor Fireplaces – an approved outdoor fireplace must:

1. Be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Fire Chief.
2. Have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created.
3. Have its chimney opening entirely covered by a non-combustible spark arrestor, grille or mesh.
4. Have a side opening to the fire chamber which does not exceed 0.84 square meters (9 square feet) in area.
5. Has its side opening entirely covered by a non-combustible spark arrestor, grille, or mesh.
6. Not be used for commercial or industrial applications.

Outdoor Warming Receptacle

An approved outdoor warming fire receptacle must be in a metal receptacle in good repair that has a maximum capacity of 205 litres (45 gallons). That all openings must be entirely covered by removable, non-combustible spark arrestors, grilles, or mesh with openings no larger than 12mm (1/2 inch).

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SCHEDULE "B"

