

**TOWN OF STONEWALL
BY-LAW NO. 02-24**

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 statues as they may apply

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

DEFINITIONS:

“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.

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.

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

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

“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.

“Recreational Burning”: shall mean any fire that is ignited in a burning apparatus 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.

DEFINITIONS APPLICABLE TO ANNEXED LANDS ONLY:

“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.

“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 within the annexed lands only.

“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 wastes provided said Construction/Demolition Waste is separated as per the Classifications defined in this Section.

“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.

“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.

“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.

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.

- a) Campfires shall only 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 only be allowed in the annexed lands.
- d) Agricultural waste burning shall only be allowed in agricultural zones located in the annexed lands.
- e) Yardsites shall not be allowed to be burnt.
- f) Outdoor burning boilers used as a heat source for a building within the annexed lands 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 not be allowed to be burnt, unless approved by the Town of Stonewall, either by the CAO or the Fire Department, where necessary.
- 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.
- i) All straw and/or bales that are to be burnt on an agricultural field within the annexed lands shall require an area to be cultivated around the border of the field of a sufficient width to prevent fire spreading to neighboring properties and ditches and shall be monitored by a responsible person in order to ensure the fire does not get out of control.
- j) 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.
- k) Authorization to conduct Outdoor Fire burning within the annexed lands 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.
- l) Any Outdoor Fire within the annexed lands shall be supervised by the Owner or Occupier of the land or a person authorized by the Owner or Occupier of the land.
- m) 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.
- n) 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.
- o) 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 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 nature or man-made barriers, water; or
- iii) by a combination of (i) and (ii).

p) The smoke from an Outdoor Fire within the annexed lands shall not pose an unreasonable hazard to the health of any person or reduce the visibility on any road or highway.

q) No burning shall be allowed within the annexed lands when the wind exceeds 25 km/h.

r) All federal and provincial legislation shall take precedent over this By-Law.

2.3 Rules regarding Open Air Fires in the Annexed Lands – a person in charge of an open-air fire must ensure that:

a) a fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished;

b) the fire is always kept under control;

c) an adequate supply of water, sand, garden hose or some other means of controlling and extinguishing the fire is readily accessible;

d) the fire is not set or maintained in conditions or located which will or could result in:

- i. Smoke which causes a nuisance or irritation to people adjacent properties;
- ii. Reduced visibility of any highway or road;
- iii. A rapid spread of fire through grass or brushed area;

e) the fire is not set or maintained when the wind exceeds 25 kilometres per hour;

f) do not burn wet or damp wood which may contribute greatly to heavy smoke propagation;

g) residents are not 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 Town may, by resolution, at their discretion, **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.

3.1 The Town, may, by resolution, at their discretion, ban burning based on the Level of Fire Restrictions identified in Schedule "A".

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. 06-18 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 10th day of January, A.D. 2024.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

Read a first time this 20th day of December, A.D. 2023;
Read a second time this 10th day of January, A.D. 2024;
Read a third time this 10th day of January, A.D. 2024.



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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 1 (yellow) – Fires are only allowed in approved receptables. NO open-air fires in the annexed lands.
- Level 2 (orange) – NO fires of any type are allowed in the annexed lands.
- Level 3 (red) – NO fires of any type are allowed (full burning ban) for the entire Town.

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.