

RURAL MUNICIPALITY OF NORTH NORFOLK

BURNING REGULATIONS

BY-LAW NO: 758/2008

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF NORTH NORFOLK TO REGULATE BURNING WITHIN THE MUNICIPALITY.

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
- (i) Preventing and fighting fires
- (o) Enforcement of by-laws

AND WHEREAS The Wildfires Act, C.C.S.M., c. W128, contains the following definitions, among others:

“**Outdoor fire**” means a fire that is started outdoors but does not include a fire that is started in, and remains contained within, a container or fire pit that is approved by an officer;”

“**Wildfire**” means an outdoor fire that is burning out of control or that an officer believes may burn out of control;”

“**Wildfire protection operations**” means wildfire prevention, detection, control, pre-suppression, suppression, investigation and extinguishment;”

AND WHEREAS The Wildfires Act, C.C.S.M. c. W128, states that:

- 2 “Subject to Section 18, this Act applies to all land within Manitoba.”
- 13 (1) “Subject to Subsection (2), Section 15, or an agreement made under Section 6, a municipality is responsible for wildlife protection operations within its boundaries.”
- 14 “A municipality may appoint and remunerate fire guardians to carry out its wildlife protection responsibilities under this Act, the regulations or a municipal by-law, and may cancel an appointment at anytime.”
- 31 (1) “Where the Crown or a municipality incurs costs, expenses, loss or damage as a result of
 - (a) wildfire protection operations;
 - (b) enforcing an officer’s order which was not obeyed; or
 - (c) fire loss;the Crown or the municipality is entitled to be reimbursed by the person who caused the Crown or the municipality to incur costs, expenses, loss or damage is a debt due and owing to the Crown or the municipality”; and,

NOW THEREFORE BE IT RESOLVED AND IT IS HEREBY ENACTED as a By-Law of the Rural Municipality of North Norfolk, as follows:

- 1. **THAT** the fire chief of the Rural Municipality of North Norfolk be appointed as a fire guardian for the purposes of The Wildfires Act.
- 2. **THAT** burning in areas of the Rural Municipality of North Norfolk designated as a burning permit area by Provincial Regulation, shall be done in accordance with the requirements of The Wildfires Act.
- 3. **THAT** burning be permitted in all other areas of the Rural Municipality of North Norfolk not designated as a burning permit area by Provincial Regulation, subject to the conditions and provisions of The Fires Prevention & Emergency Response Act, The Wildfires Act, and Manitoba burning of Crop Residue Regulations.

- 4. **THAT** the Fire Chief may, at his discretion, ban all outdoor fires in the municipality if conditions exist where, in the opinion of the Fire Chief, outdoor fires are of extremely high risk, and such ban would prevent wildfires from occurring. Further, if such an outdoor fire ban is designated, Clause 3 is suspended until such time as the Fire Chief removes the ban and permits outdoor fires.

- 5. **THAT** subject to any agreements to the contrary, where any type of wildfire protection operations have been undertaken within the Municipality, during a fire ban designated by the Fire Chief, the Municipality may, in respect of any related costs to the person who caused the wildfire, or the owner or occupant of the land or property in respect to which the action was taken. Further, the municipality may proceed to collect any costs as against the person by any means available to it in law for the collection of outstanding taxes, including, without limitation, adding the costs to the realty taxes on any property owned by the person within the municipality.

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

DONE AND PASSED as a by-law of the Rural Municipality of North Norfolk duly assembled in the Province of Manitoba this 14th day of October A.D. 2008.

Rural Municipality of North Norfolk

Originally signed by Reeve Neil Christoffersen

Reeve

Originally signed by Chief Administrative Officer Y Ivan Bruneau

Chief Administrative Officer

Read a first time this	<u>17th</u>	day of	<u>September</u>	A.D.	<u>2008.</u>
Read a second time this	<u>14th</u>	day of	<u>October</u>	A.D.	<u>2008.</u>
Read a third time this	<u>14th</u>	day of	<u>October</u>	A.D.	<u>2008.</u>