

**Municipality of Louise**  
**By-law 2016-6**  
**Prevention and Control of Wildfires**

**Definitions:**

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

**CAO:** The Chief Administrative Officer.

**Designate:** any person authorized by the AHJ to enforce this by-law on behalf of the AHJ.

**Outdoor Fire:** A fire that is started outdoors including crop residue burning, land clearing and grass burning.

**Wildfire Season:** The period in each year commencing on April 1 and ending on November 15 or any other period of time that may be designated by the AHJ.

**Whereas it is deemed expedient** and advisable to pass a by-law to provide generally for the protection of life and property from damages of fire and to regulate burning within the Municipality of Louise.

**Whereas Section 332 (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 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,

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF LOUISE IN SESSION ASSEMBLED, ENACT AS FOLLOWS**

**1. Delegation of authority**

1.1 That the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Municipality of Louise 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 Wildfires 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, ordinance or regulations.

- a) Any Outdoor Fire 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 cause 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; 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) or ii).

e) The smoke from an Outdoor Fire shall not pose unreasonable hazard to the health of any person or reduce 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 in their fire pits and solid fuel burning appliances) in the Municipality of Louise if conditions exist where, in the opinion of the municipality, fires are at a really high risk, and such a ban would prevent wildfires from occurring.

### 4.0 **Offenses and Penalties**

4.1 It is an offense to contravene any provisions of this By-law. Any conviction of an offense is subject the penalty of not less than \$100.00 and not more than \$1000.00.

4.2 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 a person(s) acts or omissions that resulted in the costs being incurred.

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

Done and passed in Council assembled, this 25<sup>th</sup> day of May, A.D. 2016.

  
A. Buchanan  
Reeve

  
Doris Fleaver  
Chief Administrative Officer

Read a first time this 11<sup>th</sup> day of May, A.D. 2016.

Read a second time this 25<sup>th</sup> day of May, A.D. 2016.

Read a third time and passed this 25<sup>th</sup> day of May, A.D. 2016.