

**RURAL MUNICIPALITY OF CARTIER
BY-LAW NO. 1692-21**

BEING A BY-LAW TO PREVENT AND CONTROL WILDLAND FIRES

Definitions:

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

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, or any member of the Fire Department or any person on behalf of the AHJ, appointed as a fire guardian for the purposes of *The Wildfires Act*.

Outdoor Fire: a fire that is started outdoors, including crop residue burning, land clearing and grass and yard waste burning. Outdoor fires do not include propane or natural gas fired cooking receptacles (ex. Barbeques, fire pits).

Firework: A device containing combustible chemicals that causes a spectacular explosion when ignited, used typically for display or in celebrations.

Approved Receptacle: is an approved receptacle outlined in Schedule A.

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 by fire and to regulate burning within the Rural Municipality of Cartier;

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; and
- (e) Enforcement of any provincial or municipal statutes as they may apply.

NOW THEREFORE the Council of the Rural Municipal of Cartier in session assembled, enacts as follows:

1.0 Delegation of Authority

- 1.1 THAT the Authority Having Jurisdiction, Chief Administrative Officer or designate of the Rural Municipality of Cartier 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 *Burning of Crop Residue and Non-Crop Herbage 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, ordinances or regulations.

- (a) Any **Outdoor Fire** 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 an **Outdoor Fire** on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property from the fire.
- (c) No person shall start an **Outdoor Fire** unless all precautions are taken to ensure that the fire can be kept under control.
- (d) No person shall start or maintain an **Outdoor Fire** when the wind exceeds 25 kilometers per hour;
- (e) No person shall cause an **Outdoor Fire** to be started 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 natural or man-made barriers, water; or
 - (iii) by a combination of (i) and (ii).
- (f) The smoke from an **Outdoor Fire** shall not pose an unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
- (g) A sufficient water supply and means of fire suppression capable of extinguishing the **Outdoor Fire** based on its fuel loading and size shall be readily accessible on site.
- (h) All fires must be extinguished when unsupervised.
- (i) If, in the opinion of the Fire Chief, or designate, or the RCMP, it is not conducive to have an outdoor fire or it is a nuisance or a threat to public safety, the Fire Chief, or designate, or the RCMP, can direct that the fire be extinguished.
- (j) Any exceptions to a burn ban, must be approved by the Fire Chief or designate.

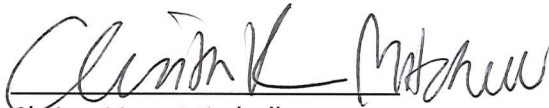
3.0 Burning Ban

- 3.1 The municipality may, at their discretion, RESTRICT or BAN ALL BURNING (including fires contained within fire pits, burning barrels and fireworks) in the Rural Municipality of Cartier if conditions exist where, in the opinion of the municipality, fires are of risk, and such a restriction or ban would prevent wildfires from occurring.
- 3.2 A Fire Ban may be implemented or lifted under the discretion of the Designated Officer, being the Fire Chief, or any member of the Fire Department or any person on behalf of the AHJ, appointed as a fire guardian for the purposes of The Wildfires Act.
- 3.3 The municipality will use the following levels of tiered fire restrictions to apply the burning ban.
 - Level 1 (Green)** – Fires are allowed in approved receptacles. Outdoor fires and fireworks are allowed.
 - Level 2 (Yellow)** – Fires are ONLY allowed in approved receptacles. NO other outdoor fires and NO fireworks of any type are allowed.
 - Level 3 (Red)** – NO Fires and NO fireworks of any type are allowed.

4.0 Offence and Penalties

- 4.1 Where a person is in contravention under this By-Law, 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 the person(s) acts or omissions that resulted in the costs to be incurred.
- 4.2 All costs imposed to extinguish a fire that was set in contravention of this by-law, are a debt owed by the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in the same manner as a tax may be collected or enforced under the Municipal Act.
- 5.0 Schedule A of this By-Law may be amended by resolution.
- 6.0 This By-Law shall come into force and take effect on the date of passing.
- 7.0 That By-Law 1610-10 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Cartier on August 16, 2021.



Christa Vann Mitchell
Reeve



Michael Lackmanec
Chief Administrative Officer

Read a first time July 19, 2021
Read a second time August 16, 2021
Read a third time August 16, 2021

Requirements for approved receptacles

FIRE PITS— an approved fire pit must:

- (a) Be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Fire Chief;
- (b) Have a spark arrestor, grille, or mesh and constructed of a non-combustible material, which is used to cover the entire area of the fire pit opening; and
- (c) Not be used for commercial or industrial applications.

OUTDOOR BARBEQUES – an approved outdoor barbeque must:

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

OUTDOOR FIREPLACES – an approved outdoor fireplace must:

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

OUTDOOR FIRE OF HOUSEHOLD GARBAGE

Outdoor fires to include the burning of household domestic garbage in approved receptacles. This will not include any item that may explode, cause unsightly smoke, toxic smoke or nuisance odour or generate any public complaint.

Household Garbage or Domestic Waste must:

- (a) Be enclosed on all sides and constructed of a non-combustible material such as concrete or heavy gauge metal or other non-combustible material approved by the Fire Chief;
- (b) Have a spark arrestor, grille, or mesh constructed of a non-combustible material, which is used to cover the entire area of the fire pit opening; and
- (c) Not be used for commercial or industrial applications.

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



Resolution No. 21-282

**RURAL MUNICIPALITY OF CARTIER
RESOLUTION OF COUNCIL
August 16, 2021**

Moved By: Councillor Estelle Thornson
Seconded By: Councillor Andrew Peters

BE IT RESOLVED THAT By-Law 1692-21, being a By-Law for the Prevention and Control of Wildland Fires, is hereby read a third time, signed, sealed and adopted as a By-Law of the Rural Municipality of Cartier, as amended.

In accordance with Section 137 of the Municipal Act, members present voted as follows:

NAME	FOR	AGAINST	ABSTAIN	ABSENT
Ken Beaudin	✓			
Dan Bouchard	✓			
Christian Lachance	✓			
Andrew Peters	✓			
Estelle Thornson	✓			
Christa Vann Mitchell	✓			

CARRIED

I, Michael Lackmanec, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Council of the Rural Municipality of Cartier at a Meeting held on Monday, August 16, 2021.

Michael Lackmanec, MBA, CPA
Chief Administrative Officer