

BY LAW NO 22-03

- OF -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a bylaw of the Rural Municipality of Springfield to provide for the regulations for open burning, fire bans, other fire safety hazards and, offences and penalties to be known as the 'Open Fires and Controlled Burning By-Law'.

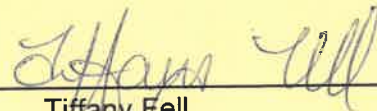
WHEREAS the municipality is empowered under the Municipal Act to establish and pass by-laws compliant and consistent with the Province of Manitoba's *Fire Protection and Emergency Response Act* to regulate open fires and permit controlled burnings.

AND WHEREAS it is deemed expedient and in the public interest to establish, continue and maintain fire safety standards concerning open fires and controlled burning in the municipality.

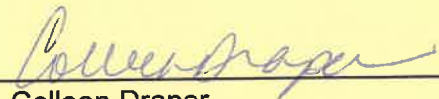
NOW THEREFORE the Municipal Council of the RM of Springfield in meeting duly Assembled, enacts as follows:

1. The 'Open Fires and Controlled Burning By-law' consisting of Schedule A is hereby adopted.
2. That RM of Springfield Bylaw No 17-19 and all amendments thereto, is hereby repealed.

DONE AND PASSED as a by-law of the Rural Municipality of Springfield by the Council thereof, in session assembled this 15th day of February A.D. 2022.



Tiffany Fell
Mayor



Colleen Draper
Chief Administrative Officer

Read a First time this 1st day of February A.D. 2022.
Read a Second time this 15th day of February A.D. 2022.
Read a Third time this 15th day of February A.D. 2022.

Schedule A

BY-LAW No 22-03

OPEN FIRES AND CONTROLLED BURNING BY-LAW

A bylaw of the Rural Municipality of Springfield to provide for regulations for open burning, fire bans, other fire safety hazards and, offences and penalties to be known as the 'Open Fires and Controlled Burning By-Law'.

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SCHEDULE A
By-Law 22-03 – *“OPEN-AIR FIRES AND CONTROLLED BURNING BY-LAW”*

SCHEDULE B
Material/products not permitted to be burned at any time

BY-LAW No 22-03

**'OPEN-AIR FIRES AND CONTROLLED BURNING BY-LAW'
Dated January 2022**

PART I - OPERATIVE AND INTERPRETIVE CLAUSE

1.0 Title and contents

1.1 This bylaw may be cited as the "OPEN-AIR FIRES AND CONTROLLED BURNING BY-LAW"

1.2 The regulations established by this bylaw are deemed necessary in order to:

- a) Ensure general conformance with the objectives and policies of the R.M. of Springfield;
- b) Outline the powers and duties of Council, the Fire Chief, or the Fire Chief's deputy or designate, and/or responsibility of property owners and residents as they relate to this bylaw;
- c) Establish standards for the allowance and control of open burning;
- d) Establish standards for the prevention of fires that may originate outside of buildings which may present a hazard to all or part of the municipality and its neighbouring communities; and,
- e) Authorize and set standards for the control of open fires and controlled burning as described in Part III to this By-law to protect life and property.

2.0 Definitions

Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning and effect as they have in the *Municipal Act*, the *Fire Protection and Emergency Act*, and the *Fire Code*.

In this by-law:

'Administrators' means the Fire Chief, Deputy Chief and Officers of the Springfield Fire and Rescue Services.

'Adult' means an individual who, in accordance with the Province of Manitoba's "*Age of Majority Act, 1988*", has attained the age of majority and ceases to be a minor, on attaining the age of eighteen years.

'Authority Having Jurisdiction (AHJ)' means the administrator(s) of the Springfield Fire and Rescue Service, or the responsible municipal, provincial or federal official with legal authority for controlling the subject referred to which includes, without restricting the generality thereof municipal Fire Prevention Officers and Fire Inspectors.

'Captain' means an officer holding Company Officer rank and having authority in the absence of the Fire Chief or Deputy Fire Chief.

'C.A.O.' means the Chief Administrative Officer of the municipality – in this case, the Rural Municipality of Springfield.

- 'Code' means the latest edition of the *Manitoba Fire Code C.C.S.M cF80*
- "Controlled Burning" ('Hazard Reduction Burning', 'backfire', 'swailing', 'burn-off') is a fire set intentionally for purposes of forest management or farming. A controlled burn may also refer to the intentional burning of slash and fuels through burn piles.
- 'Deputy Chief' means the Deputy Chief, being the Springfield Fire and Rescue Services second-senior chief officer having authority in the absence of the Fire Chief.
- 'Fire Ban' means an established period of time during which the Fire Chief or the designated alternate declares a ban on open-air fires.
- 'Fire Chief' means the senior fire officer and administrator of the Springfield Fire and Rescue Service appointed from time to time by the C.A.O. in consultation with Council, and extends to include, in his absence, the Fire Chief's designated alternate.
- 'Fire Code' means the *Manitoba Fire Code C.C.S.M. cF80*.
- 'Member' means a Chief Officer, officer, firefighter or EFR provider engaged by the municipality to serve within the Springfield Fire and Rescue Service to provide fire suppression and rescue, fire prevention or other fire protection activities and services.
- 'Open-air Fire (Open Burning)' means an outdoor fire in a designed or impromptu pit or place.
- 'Outdoor Solid Fuel Appliance (example: outdoor wood burning furnace)" means an outdoor wood burning appliance or a solid fuel burning appliance which is used for the space heating of buildings, the heating of water or other such purpose and which is located in a separate building or on the exterior of the building which it serves.
- 'Property' means personal and real property.
- 'Residential Zoned' means land used in which housing predominates, as opposed to industrial and commercial areas, and will include but not limited to single-family housing, multi-family residential, or mobile homes.
- 'Slash-burning' is a form of fire mitigation (an action of reducing the severity or seriousness of something) designed to keep forests healthy and prevent dangerous wildfires by safely burning leaves, pine needles, downed trees, standing small trees, and thick vegetation.
- 'Springfield Fire and Rescue Service' (SFRS) means the Rural Municipality of Springfield's established fire protection organization including, the fire stations, fire/rescue apparatus and assigned firefighters within the municipality.

PART II **OPEN BURNING**

3.0 **Open Burning**

- 3.1 Provisions of the *Wildfires Act* will be strictly enforced relative to any property within one-point six (1.6) kilometres of Birds Hill Provincial Park boundary, specifically the following:
- a) Sections 11 & 12 of Township 12, Range 4E; and,
 - b) Sections 7, 8, 9, 10, 15, 22, 27, 28, & 33 in Township 12, Range 5E.
- 3.2 A person who ignites an open-air fire shall not leave the fire unattended at any time while it is burning or smouldering.
- 3.3 Persons with an open-air fire shall ensure that sufficient equipment and/or water is available to prevent the fire from getting beyond their control.
- 3.4 Persons residing in any area of the municipality zoned "RESIDENTIAL", shall not have an open-air fire unless the provisions/regulations of PART III herein are strictly met and complied with.

- 3.5 Any open-air fire that the Fire Chief or his designate deems to be a nuisance shall be extinguished.
- 3.6 Any complaints of nuisance burning will be investigated by the Fire Chief or his designate, or the local Health Officer under the provisions of the *Atmospheric Pollution Regulations 120/88 R* of the *Public Health Act. C.C.S.M c. P210*.
- 3.7 Solid fuel heating systems shall be limited to its installation-unit and use as per the municipal zoning by-law.
- 3.8 There will be no burning of household garbage or yard waste using barrels, incinerators or fire pits within the village areas of Anola, Cooks Creek, Dugald, Hazelridge or Oakbank.
- 3.9 The materials listed in SCHEDULE B to this by-law are not permitted to be burned within RM of Springfield except by provincially licenced agencies in approved incinerators. This list is not inclusive and may be amended and/or added to from time to time by the RM of Springfield.
- 3.10 Supervised fire pits and small contained bonfires (for family enjoyment) are regulated by PART III of this by-law and may be banned during dry conditions.
- 3.11 Persons conducting an open burning may be required to pay all expenses incurred by the Springfield Fire and Rescue Service in controlling or extinguishing any fire which may get beyond control or be in danger of doing so, or extend to lands owned by others, and any losses arising therefrom to public or private property.
- 3.12 Should the Springfield Fire and Rescue be dispatched to extinguish any fire that extends/extended beyond the person conducting an open burning's control, or extends/extended to lands owned by others, or causes any losses including/extending from their property to other adjoining private or public properties, the permit holder may be required to pay all expenses incurred by Springfield Fire and Rescue Services.
- 4.0 Burn ban**
- 4.1 The Fire Chief or designated alternate has the authority to place a ban on all burning within the boundaries of the Rural Municipality of Springfield, whenever hot, dry weather conditions exist.
- 4.2 Notification of a fire ban may be done through local newspapers, the municipal website, Springfield Fire and Rescue Services signage, local radio/television outlets, and/or highway signs.
- 4.3 Properties in RM of Springfield Sections 15, 16, 17, and 21-11-4E are subject to a permanent burn ban due to the high concentration and close-proximity of structures in the area. Each and every burning event in these Sections shall only be permitted upon residents/occupants securing prior authorization for a specified period from the Fire Chief or designate.

PART III REGULATIONS AND REQUIREMENTS FOR THE INSTALLATION AND USE OF OUTDOOR FIRE PITS AND OUTDOOR SOLID FUEL APPLIANCES IN RESIDENTIAL AREAS CONSISTENT WITH THE ZONING BY-LAW

5.0. Design of fire pit or solid fuel appliance

- 5.1 The outdoor fire pit or outdoor solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials.
- 5.2 The outdoor fire pit or outdoor solid fuel appliance shall be covered with a non-combustible grate or mesh. If the outdoor fire pit or outdoor solid fuel appliance is equipped with a chimney, it shall have a non-combustible mesh or spark arrester installed.

6.0 Locations of fire pit or solid fuel appliance

- 6.1 The outdoor fire pit or outdoor solid fuel appliance shall be located on a flat, level and non-combustible base and clear of overhangs, such as roofs, tree, branches or utility wires.
- 6.2 A minimum clearance of ten (10) feet / three (3) metres measured from the nearest fire pit edge is maintained from any structures or any combustibles (i.e.: fences, trees, hydro poles) and property lines.

7.0 Requirement for installation

- 7.1 The outdoor solid fuel appliance shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least ten (10) feet / three (3) metres.

8.0 Supervision and attendance required at all times

- 8.1 Fires shall be supervised and attended at all times by an individual having reached the age of eighteen.

9.0 Restrictions for use due to weather conditions

- 9.1 Fire in outdoor fire pits and outdoor solid fuel appliances are not permitted under severe wind conditions or when atmosphere or local circumstances make such fires hazardous.

10.0 Acceptable materials for burning

- 10.1 Only clean, dry wood or briquettes can be burned in outdoor fire pits or outdoor solid fuel appliances.
- 10.2 Items and products as listed, now or from time to time in SCHEDULE B shall not be burned except in licenced/controlled sites as per provincial regulations.

11.0 No fuels or products that may result in dense smoke, offensive odors or contaminants.

11.1 Fire cannot be used to burn garbage, rubbish, debris, grass, leaves, previously painted or treated wood and any other fuel-type that when burned may result in the release of dense smoke or offensive odors.

11.2 No combustible or flammable liquids of any kind shall be burned except at licenced commercial/industrial facilities in accordance with all applicable provincial regulations and in an approved manner.

12.0 Means of extinguishment at site of burning

12.1 A means of extinguishment such as a portable fire extinguisher or garden hose with a water supply shall be available on site.

13.0 Must be extinguished

13.1 Fires must be extinguished before leaving the site.

14.0 Smoke, particulates and by-products of incomplete combustion

14.1 Smoke, particulates or by-products of incomplete combustion from outdoor fire pits and outdoor solid fuel appliances shall not impact on neighboring properties by releasing offensive odors that are annoying, unpleasant or a nuisance.

15.0 Burning limited in size

15.1 All fires must be limited in size so available firefighting resources at hand may easily control them.

PART IV OFFENCES AND PENALTIES

16.0 Tampering or Interference

16.1 It is an offence for any person to deliberately tamper with, damage, discharge, remove or otherwise disable, make unusable, disconnect or shut-off without authorization, any:

a) fire suppression equipment;

b) reservoir or storage container used for the storage of fire extinguishment agents or water;

c) fire detection or fire/smoke/heat alerting equipment;

d) fire alarm system or components;

e) fixed fire protection systems; or,

f) other fire fighting equipment.

16.2 No person shall in any way impede or hinder any member of the Springfield Fire and Rescue Services during any Fire Inspection or Fire Investigation at any incident.

17.0 Penalties

17.1 It is an offence to contravene any provision of this By-Law. Any offence is subject to a penalty of not less than one-hundred dollars (\$100.00) or not more than one-thousand dollars (\$1,000).

PART V REVIEW OF ORDER

18.0 Request for review by Fire Commissioner

18.1 A person to whom a designate has directed an order may submit a request to the Fire Commissioner for a review of the order, which must be in writing and must include:

- a) the person's name and address and the reasons for requesting the review; and
- b) a copy of the order.

19.0 Time limit for seeking review

19.1 A request for review of an order must be made within the following times:

- a) if the order requires compliance in less than 14 days, within the time specified for compliance;
- b) in any other case, within 14 days after the person received or is deemed to have received the order.

Schedule B

B. 1 The following materials shall not be burned under any circumstances within the RM of Springfield except at municipally or provincially approved, licenced and regulated facilities.

B.2 This list is not all-inclusive and may be amended and/or added to from time to time as determined by the RM of Springfield:

- a) Animal remains or parts;
- b) Automotive coolants, de-icers; anti-freeze;
- c) Cardboard and packing paper (can create burning embers that can spread in the wind);
- d) Electronic components and/or parts;
- e) Fire accelerants;
- f) Hazardous materials including:
 - I. Chlorofluorocarbons; and,
 - II. Polyphenols;
- g) Household cleaning products;
- h) Kitchen/food wastes;
- i) Lead and/or lead-based products;
- j) Medical waste;
- k) Paint strippers:
 - l) Paints (lead and mercury content);
- m) Pesticides and pesticide containers;
- n) Petroleum products or by-products including automotive oils and lubricants;
- o) Plastics;
- p) Polystyrene foam (Styrofoam);
- q) Rechargeable or single-use batteries;
- r) Rubber products;
- s) Synthetic carpeting and/or wall/window finishing;
- t) Treated wood (creosote, Chromated copper arsenate).