

Rural Municipality of Whitemouth

By-Law No. 588/12

A By-law of the Rural Municipality of Whitemouth to regulate burning within the municipal jurisdiction.

WHEREAS Section 232 (1)(a) and (i) of *The Municipal Act*, L.M. 1996, c.58 Chap. M225 provide as follows:

- 232 (1) A Council may pass by-laws for municipal purposes respecting the following;
- a) the safety, health, protection and well being of people, and the safety and protection of property;
 - i) preventing and fighting fires;

WHEREAS the Council of the Rural Municipality of Whitemouth deems it desirable to regulate the setting of fires and burning within the limits of rural residential or residential lots;

In this By-Law:

“fire” includes bonfire, campfire and any other fire in a yard, field or any other open place but does not include:

- (a) A charcoal or gas fire in a barbecue, hibachi or similar metal or masonry container while being used for the cooking of food for human consumption provided,
 - (i) such fire is not on a balcony of a building or in any other unsafe place, and
 - (ii) such fire is attended by a person competent to supervise it;
- (b) An appliance being used for heating pitch or asphalt;
- (c) An appliance being used for construction or maintenance and which requires an open flame,
- (d) A campfire in a camping establishment;
- (e) A fire set by the Fire Department in training areas approved by the Fire Chief, for the purpose of training or testing equipment;

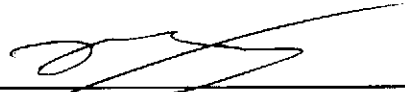
NOW THEREFORE the Council of the Rural Municipality of Whitemouth, in meeting assembled, enact the following;

1. No person shall set or start an outdoor fire on rural residential or residential lots, unless it is done so in a fire-pit, or if a permit is acquired from the Conservation Branch of the Manitoba Government – or is constructed and used in accordance with this By-law.
2. Outdoor fire pits may be constructed and used for recreational purposes providing that:
 - a) the fire pit must be fully contained within heavy gauge steel, concrete or cinder blocks,
 - b) the walls of the fire pit must extend above grade level by a minimum of eight (8) inches;
 - c) the fire pit must be located a minimum of fifteen (15) feet from any property line; and
 - d) when in use, the fire pit must be attended by a responsible adult person until the fire has been fully extinguished.
3. No person shall burn anything in a fire pit other than solid fuel products. Without limiting the generality of that prohibition, no person may burn garbage, recyclables, household waste, lawn clippings, leaves, or any other compostable material in a fire pit.
4. Nothing in this By-law permits or authorizes a person to use a fire pit in a manner that creates a nuisance to any other person.

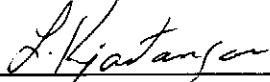
5. Any person who contravenes a provision of this by-law is committing an offence and liable on conviction to payment of a fine of not less than
 - a) three hundred dollars (\$300.00) for the first offence;
 - b) five hundred dollars (\$500.00) for the second offence;
 - c) six hundred dollars (\$600.00) for the third offence; and
 - d) one-thousand dollars (\$1,000.00) for each subsequent offence.

6. All fines and cost imposed on a prosecution under this By-law, are a debt owed by the person who set a fire and the owner of the property on which the fire was located, to the municipality and may be recovered by the municipality in a court of competent jurisdiction or may be collected by the municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

DONE AND PASSED as a by-law of the Rural Municipality of Whitemouth, at Whitemouth, in the province of Manitoba, this 8th day of August, 2012. A.D.



Acting Reeve
Hermann Saxler



Chief Administrative Officer
Laurie Kjartanson, CMMA

Read a first time this 25th day of July, 2012
Read a second time this 25th day of July, 2012
Read a third time this 8th day of August, 2012