

TOWN OF LAC DU BONNET

BY-LAW 06/19

BEING a By-Law of the Town of Lac du Bonnet for the prevention and control of fires within the limits of the Town of Lac du Bonnet and to rescind By-law 04/16.

WHEREAS Council deems it in the best interest of the Town to regulate the installation and use of fire pits and outdoor solid fuel appliances;

AND 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;
- (o) the enforcement of by-laws.

NOW THEREFORE the Council of the Town of Lac du Bonnet in session assembled, enacts as follows:

DEFINITIONS

- 1.0 ‘Authority Having Jurisdiction’ means the Town Council and the duly appointed agents thereof.
- 1.1 ‘CAO’ means the Chief Administrative Officer for the Town of Lac du Bonnet or his/her designate.
- 1.2 ‘Designate’ means any person authorized by the Authority Having Jurisdiction to enforce this By-Law on behalf of the Authority Having Jurisdiction.
- 1.3 ‘Approved fire pit’ means it must be constructed of non-combustible material, capable of containing the fire or have a top, and must have a non-combustible base.
- 1.4 ‘Outdoor solid fuel appliance’ means a wood, pellet or coal stove, a manufactured fireplace or any other device burning a solid fuel
- 1.5 ‘Solid fuel’ means solid materials that can be burnt to release energy, providing heat and light through the process of combustion including wood, charcoal, coal or wood pellets.

DELEGATION OF AUTHORITY

- 2.0 The Authority Having Jurisdiction, the Chief Administrative Officer or designate of the Town of Lac du Bonnet be appointed as officers for the purpose of enforcing provincial statutes, regulations as well as this By-Law.
- 2.1 A fire ban on all burning may be enacted at any time at the discretion of the Authority Having Jurisdiction, the Chief Administrative Officer or his/her designate.

FIRE PITS AND SOLID FUEL APPLIANCES

- 3.0 No person shall set a fire within the Town of Lac du Bonnet unless it is done so in an approved fire-pit or outdoor solid fuel appliance, constructed and used in accordance with this By-Law.
- 3.1 Fire pits as well as outdoor solid fuel appliances may be constructed and used for recreational purposes only, providing that;

- a) The 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.
- b) The fire pit or outdoor solid fuel appliance must be capable of containing the fire or have a non-combustible grate, mesh or spark arrestor.
- c) The fire pit or outdoor solid fuel appliance shall be located on a flat, level non-combustible base and clear of overhangs, such as roofs, tree branches and utility wires.
- d) A reasonable distance from the nearest fire pit edge is maintained from any property lines, any structures or combustibles such as fences, trees, hydro poles.
- e) Outdoor solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible at a reasonable distance.
- f) The use of fire pits and outdoor solid fuel appliances is not permitted under severe wind conditions or when atmosphere or local circumstances make such fires a hazard.
- g) Fire pits and outdoor solid fuel appliances cannot be used to burn garbage, rubbish, debris, grass, branches, leaves, previously painted or treated wood, or any fuel which when burned may result in the release of dense smoke or offensive odors.

RESPONSIBILITIES

- 4.0 Authorization to conduct fires in the Town of Lac du Bonnet 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.
- 4.1 All fires shall be supervised by the homeowner or a person authorized by the homeowner.
- 4.2 No person shall start a fire without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire.
- 4.3 No person shall start a 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.
- 4.4 A person shall at all times have a sufficient water supply and means of fire suppression available.
- 4.5 All fires must be extinguished when unsupervised.
- 4.6 Chinese lanterns, unauthorized fire works and any other outdoor fires are prohibited.

OFFENCE AND PENALTIES

- 5.0 Any person or persons who contravene any provisions of this By-Law shall be liable for a penalty as set out in Schedule "A" and in accordance with *The Municipal Act*.
- 5.1 The penalties imposed according to this By-Law is a debt owing to the Town and may be collected in any manner in which a tax may be collected or enforced under *The*

Municipal Act.

- 5.2 Where a person is in contravention under this By-Law, in addition to imposing a fine, the Town is entitled to be reimbursed by the person or persons for costs incurred by the Town in fire protection and suppression operations that were undertaken as a result of the person or persons acts or omissions that resulted in the costs to be incurred.

DONE AND PASSED AND ENACTED as a By-Law of the Town of Lac du Bonnet in the Province of Manitoba this 13th day of June A.D., 2019.

Mayor Gordon Peters

CAO, Darcey Wittig

Read a first time this 9th day of May A.D., 2019

Read a second time this 13th day of June A.D., 2019

Read a third time this 13th day of June A.D., 2019

SCHEDULE “A” TO BY-LAW 06/19

Any person who contravenes any provision of this By-Law is committing an offence and is 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
- d) one thousand dollars (\$1000.00) for each subsequent offence