

By-Law No. 923-2024

Outdoor Fire Risk Reduction and Controlled Burning Bylaw.

Being a bylaw of the Local Government District of Pinawa to provide for the regulations for open burning, fire bans, other fire safety hazards, offences, and penalties to be known as the Outdoor Fire Risk Reduction and Controlled Burning By-law.

WHEREAS the Local Government District of Pinawa is empowered under the Municipal Act to establish and pass by-laws compliant and consistent with the Province of Manitoba Fire Protection and Emergency Response Act including the Wildfires 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 Local Government District.

NOW THEREFORE the Local Government District of Pinawa Council, in meeting duly Assembled, enacts as follows:

1. The Outdoor Fire Risk Reduction and Controlled Burning by-law is hereby adopted.

DONE AND PASSED AS a bylaw of the Local Government District of Pinawa in Council duly assembled at Pinawa, in the Province of Manitoba, this 9th day of July 2024.



Resident Administrator

Read a first time this 14th day of May 2024. Resolution #7474-05-24

Read a second time this 11th day of June 2024. Resolution #7497-06-24

Read a third time this 9th day of July 2024. Resolution #7525-07-24

Outdoor Fire Risk Reduction and Controlled Burning Bylaw

A by-law of the Local Government District of Pinawa to provide for regulation for open burning, fire bans, other fire safety hazards, offences, and penalties to be known as the Outdoor Fire Risk Reduction and Controlled Burning by-law.

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PART I OPERATIVE AND INTERPRETIVE CLAUSE

1.0 Title and Contents

1.1 This by-law may be cited as the OUTDOOR FIRE RISK REDUCTION AND CONTROLLED BURNING BYLAW.

1.2 The regulations established by this by-law are deemed necessary to:

- a) Ensure general conformance with the objectives and policies of the Local Government District of Pinawa (LGD of Pinawa).
- 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, residents and visitors as they relate to this by-law.
- c) Establish standards for the allowance and control of open burning including but not limited to other pyrophoric activities.
- d) Establish standards for the prevention of fires that may originate outside of buildings presenting a hazard to all or part of the LGD of Pinawa and its neighboring communities.

2.0 Definitions:

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

In this bylaw:

Administrators: Fire Chief, Deputy Fire Chief and Officers of the Pinawa Fire and Rescue Service.

Adult: 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 of age.

Approved Outdoor Fire Pit/Receptacle: A purposely constructed area to contain a fire in size and breadth to prevent a fire from getting beyond the control of its user.

Authority Having Jurisdiction (AHJ): The administrator(s) of the Pinawa Fire and Rescue Service, or the responsible local government, provincial or federal official with legal authority for controlling the subject referred to which includes, without restricting the generally thereof, the LGD's Fire Prevention Officers and Fire Inspectors.

Backcountry: A remote, undeveloped rural area.

Burn Permit: The document issued through an application process to the Fire Chief or designate with rigorous rules applied during the burning period.

Captain: An officer holding Company Officer rank and having authority in the absence of the Fire Chief and Deputy Fire Chief.

Code: The latest edition of the Manitoba Fire Code.

Controlled Burning (hazard reduction burning, backfire, swailing, burn off): A fire set intentionally for purposes of forest management. A controlled burn may also refer to the intentional burning of slash and fuel through burn piles.

Deputy Chief: The Deputy Chief, being the Pinawa Fire and Rescue Services Second Chief Officer having authority in the absence of the Fire Chief.

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

Fire Ban: An established period during which the Fire Chief or the designated alternate declares a ban on open fires.

Fire Chief: The senior fire officer and administrator of the Pinawa Fire and Rescue Service appointed from time to time by Council.

Fire Code: The Manitoba Fire Code C.C.S.M. cF80.

Fire Indices: Rating system used to appraise the potential risk of an extreme wildfire event occurring based on weather and other conditions. The system is scored from Low, Moderate, High, Very High, & Extreme.

Lieutenant: A designated officer of the fire service generally reporting to a higher authority such as a Captain, Deputy, or Fire Chief. In the absence of superior officers, that Lieutenant assumes full authority of the department as a designate to the chief.

Member: A Chief Officer, officer, firefighter engaged by the LGD of Pinawa to serve within the Pinawa Fire and Rescue Service providing fire suppression and rescue, fire prevention & investigation or other fire protection activities and services.

Officer: The Fire Chief, Deputy Fire Chief, Captain, Lieutenant, or senior member of the Fire Service when officers are absent.

Off Road Vehicle (ORV): Motorized mode of transportation being propelled by an internal combustion engine.

Open Air Fire/Camp Fire (Open Burning): An outdoor fire ignited in an impromptu pit or place.

Outdoor Fire: A fire that is started outdoors including outdoor fire pits and household yard waste.

Pedestrian: A person travelling on foot.

Pinawa Fire and Rescue Service (PFRS): The LGD of Pinawa established fire protection organization including the fire station, fire/rescue apparatus and assigned firefighters.

Property: Personal and real property.

Slash Burning: A form of fire mitigation (an action 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.

Pyrotechnics: means store bought or commercial grade.

Sky Lantern: A device that becomes buoyant with the ability to float being propelled by an open flame.

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

Yard waste: Grass, leaves, tree branches shall be considered under the definition of yard waste.

PART II OPEN BURNING

3.0 Open Burning

3.1 A person who ignites an open-air fire shall not leave the fire unattended at any time while it is burning or smoldering.

3.2 Persons with an open-air fire shall ensure that sufficient equipment and/or water is available to prevent the fire from going beyond their control, including the complete extinguishment.

3.3 Any open-air fire that the Fire Chief or designate deems to be a nuisance shall be extinguished.

3.4 Any complaints of nuisance burning will be investigated by the Fire Chief or designate or local Health Officer under the provisions of the Atmospheric Pollution Regulations 120/80 R or the Public Health Act. C.C.S.M. c. P210.

3.5 No burning of household garbage or yard waste within the boundaries of the LGD of Pinawa is allowed with exception of the controlled burn areas located at the Public Works Yard and waste sorting area (Landfill) within the wildfire season. Burning of yard waste in the designated area is prohibited when the fire indices is High, Very High, or Extreme.

3.6 Controlled burning of burn piles by commercial properties is tightly controlled through the burn permitting process limited to Public Works, Pinawa Golf & Country Club and campgrounds and is not allowed during the wildfire season. See definition of Wildfire Season.

3.7 Approved supervised fire pits/appliances are regulated by this bylaw in section 4.0 Burn Ban.

3.8 Open air campfires are not allowed within the boundaries of the LGD of Pinawa during the wildfire season as defined by the by-law.

3.9 The LGD retains the right to recover expenses incurred because of a response from the Pinawa Fire & Rescue Service due to an open-air fire getting beyond the 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.

4.0 BURN BAN

4.1 The Fire Chief or designate has the authority to place a burn ban on all burning within the boundaries of the LGD of Pinawa, whenever the conditions are favorable for an Urban/Interface Wildfire event.

4.2 The burn ban will be automatically implemented based on the following fire indices conditions as reported daily by the Manitoba Wildfire Program:

Very High - No open fires from the hours of 08:00-20:00

Extreme - All open fires prohibited.

4.3 The Fire Chief or designate may at times implement a partial or complete burning ban when they deem necessary to safeguard the community from a wildfire event regardless of the fire indices.

4.4 Notification of a fire ban may be done through the local newspapers, the LGD website, Connect Pinawa Call out, Pinawa Fire and Rescue Service signage placed in conspicuous areas throughout the LGD as per the Pinawa Fire & Rescue Service Standard Operating Procedure.

PART III REGULATION AND REQUIREMENTS FOR THE INSTALLATION AND USE OF OUTDOOR FIRE PITS WITHIN RESIDENTIAL AREAS AND SEASONAL CAMPGROUNDS

5.0 Design of fire pits or solid fuel appliance

5.1 The outdoor fire pit shall be enclosed on all sides, being constructed of masonry, concrete, heavy gauge metal or other non-combustible materials.

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5.2 The outdoor fire pit shall be covered with a non-combustible grate or mesh. The fuel in the fire pit shall not be loaded into the appliance impeding the function of the grate or spark arrester. If the outdoor fire pit is equipped with a chimney, it shall have a non-combustible mesh or spark arrester installed.

6.0 Locations of fire pits 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, and utility wires.

6.2 A minimum clearance of 3 meters (10 Feet) measured from the nearest fire pit edge is maintained from any structures or any combustibles (wooden decks, fences, trees, hydro poles) and property lines.

7.0 Supervision and Attendance Always Required.

7.1 No person other than an adult or a person 16 years of age or older, with specific permission from the responsible adult of the property will ignite an outdoor fire.

7.2 No person shall leave an outdoor fire unattended while in a flaming or smoldering phase of combustion.

7.3 An open fire must be completely extinguished before it is left unattended.

7.4 Fire shall not be ignited under severe wind conditions (20 Km/h or more).

7.5 Fire shall be limited to the size that is manageable with required fire extinguishing resources such as a garden hose, fire extinguisher, sand, or other extinguishing smothering agent.

8.0 Sky Lanterns prohibited.

8.1 No person shall ignite or release, while ignited, a sky lantern within the LGD of Pinawa.

8.2 Any person who offers for sale, causes to be sold, permits to be sold, or otherwise distributes sky lanterns with the LGD of Pinawa must post a notice in a conspicuous location in the point-of-sale area which indicates that igniting of sky lanterns or releasing of sky lanterns while ignited is not permitted in the LGD of Pinawa.

9.0 Pyrotechnics special effects displays.

9.1 The display of commercial fireworks is by permit only, obtained through the Fire Chief or designate of the LGD of Pinawa.

9.2 No person shall ignite, fire or set-off any pyrotechnic special effects or cause any pyrotechnic special effects fireworks to be ignited, fire or set off except in conformity with the Pyrotechnics Special Effects Manual as published by the Explosive Regulatory or Natural Resources Canada.

9.3 A fireworks supervisor, flame effect operator must report to the Fire Chief or designate in the event of any accident, injury, damage to property or misfire and such, and such report shall include the type, make and brand of fire work, flame effect or pyrotechnic product involved in the incident.

9.4 The activation of store-bought pyrotechnics is not allowed within the geographical boundaries of campgrounds within the LGD of Pinawa.

9.5 No store-bought firework shall be ignited within the populated areas of the LGD of Pinawa when the fire indices are posted as High, Very High, or Extreme.

9.6 Store bought fireworks shall not be ignited when wind speeds can carry an ember or spark away from the user's property (5 Km/h or more).

10.0 Off Road Vehicles and All Back Country Travel

10.1 Off Road Vehicles are not allowed to be operated within the trail system of the LGD when the fire indices are High, Very High, or Extreme.

10.2 The Fire Chief or designate may authorize the use of an off-road vehicle contrary to the law for the purpose of mitigating an emergency.

10.3 The Fire Chief or designate may authorize an Off Road Vehicle and/or travel ban for all backcountry travel, when indices are Very High or Extreme.

PART IV OFFENCES & PENALTIES

11.0 Tampering or Interference

11.1 It is an offence for any person to deliberately tamper with, damage, discharge remove or otherwise disable, make unusable, disconnect, or shut off with 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 system; or
- f) other firefighting equipment.

11.02 No person shall in any way impede or hinder any member of the Pinawa Fire Rescue Service during any fire suppression/rescue operation, fire inspection or fire investigation.

12.0 Offense and Penalties

12.1 It is an offence to contravene any provisions of this by-law. Any conviction of an offence is subject to a penalty of:

First Offence: \$250.00 plus all costs for fire suppression.

Second Offence: \$500.00 plus all costs for fire suppression.

Third or Subsequent Offence: \$1,000.00 plus costs for fire suppression.

12.2 Where a person is in contravention under this by-law, in addition to imposing a fine, the LGD is entitled to be reimbursed by the person(s) for costs incurred by the municipality in fire protection and suppression operations that were undertaken because of the person(s) acts or omissions that resulted in the costs to be incurred.

PART V REVIEW OF ORDER

13.0 Request for review by the Fire Commissioner

13.1 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 reason(s) for requesting the review; and
- b) a copy of the order.

14.0 Time Limit for Seeking Review

14.1 A request for review of an order must be made within 14 days of receiving the order.