

RURAL MUNICIPALITY OF ROSSER

By-law No. 5-11

Being a By-law for Fire Prevention within the Rural Municipality of Rosser

WHEREAS, pursuant to “The Municipal Act,” S.M. 1996, c. 58 – Cap. M225, a council may pass a by-law for municipal purposes respecting the following matters:

“Spheres of jurisdiction

232(1) 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;
- (c) subject to section 233, activities or things in or on private property;
- (i) preventing and fighting fires;

Contravention of by-law is an offence

249(1) A person who contravenes a by-law of a municipality is guilty of an offence and, if the by-law imposes no other penalty, is liable on summary conviction to a fine of not more than \$500.00 or to imprisonment for a term of not more than three months, or both.

Continuing offence

249(2) Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.

Disposition of fines

249(3) A fine imposed for contravening a by-law of a municipality must be paid to the municipality.

AND WHEREAS it is deemed expedient and in the best interest of the Municipality 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 Rosser;

NOW THEREFORE the Council of the Rural Municipality of Rosser, duly assembled in Council, enacts as follows:

1. In this By-Law the following terms shall have the following meaning:
 - a) “**Townsite**” shall mean the following Townsites located within the Rural Municipality of Rosser, described as follows:
 - i) The Townsite of Grosse Isle shall be defined as the settled portion of the North East and North West Quarters of Section Thirty-one, in Township Twelve, Range One East of the Principal Meridian, in Manitoba.

(NE 31-12-1E, NW 31-12-1E)
 - ii) The Townsite of Marquette shall be defined as the settled portion of the North East and North West Quarters of Section Thirty-one, in Township Twelve, Range Two West of the Principal Meridian, in Manitoba.

(NE 31-12-2W, NW 31-12-2W)
 - iii) The Townsite of Meadows shall be defined as the settled portion of the North West and South West Quarters of Section Nineteen, in Township Twelve, Range One West of the Principal Meridian, in Manitoba.

(NW 19-12-1W, SW 19-13-1W)

RURAL MUNICIPALITY OF ROSSER

By-law No. 5-11

iv) The Townsite of Rosser shall be defined as the settled portion of the North East and North West Quarters of Section Six and the South East and South West Quarters of Section Seven in Township Twelve, Range One East of the Principal Meridian, in Manitoba.

(NE 6-12-1E, NW 6-12-1E, SE 7-12-1E, SW 7-12-1E)

- b) “**Agricultural Waste Burning (Agricultural)**” shall mean excess materials derived from agricultural activities and, without limiting the generality of the foregoing, shall include, but is not limited to, crop residues and like materials from all agricultural pursuits.
- c) “**Agriculture**” shall mean the Agricultural Zones established to provide sufficient land for various types of agricultural development.
- d) “**Camp Fire Burning (Camp Fires)**” shall mean a fire that is set in an enclosed container and located in an area dirt/sand that has been set for cooking or warmth and would normally be considered a camp fire.
- e) “**Commercial**” shall mean the “CH” Highway Commercial Zone which provides for the development of commercial properties.
- f) “**Construction/Demolition Waste (Construction)**” shall mean a mixture of waste building materials and rubble resulting from construction, remodelling, renovations, repairs, demolition or fire in buildings and other structures and includes, but is not limited to, lumber, plaster, concrete, drywall, glass, shingles, siding, electrical, and plumbing fixtures and piping or any combination thereof. Construction/Demolition Waste may be re-classified as Ashes, Combustible, Excavation, Metallic, or Recyclable wastes provided said Construction/Demolition Waste is separated as per the Classifications defined in the Section.
- g) “**Garbage Burning (Garbage)**” shall mean a fire set for the purpose of burning garbage.
- g) “**Industrial Waste Burning (Industrial)**” shall mean solid and liquid waste materials resulting from, or incidental to, the manufacture, processing, or like operation of factories, processing plants, industrial processes and manufacturing plants and rendering plants and condemned food and products.
- h) “**Outdoor Burning Boiler**” shall mean a free-standing outdoor fuel-burning apparatus used as a heat source for a building.
- j) “**Yard Waste Burning (Yard)**” shall mean a fire set for the purpose of burning grass clippings, tree branches, leaves, twigs, garden and flower bed vegetation.
- k) “**Yardsite**” shall mean any property and ditches located in either a townsite or a rural residential zone.

2. REGULATIONS:

- a) Camp Fires shall only be allowed in Townsites and Agricultural zones.
- b) Garbage Burning shall only be allowed in Agricultural zones provided the garbage is in self-contained apparatus specifically designed for burning.
- c) Yard Waste Burning shall only be allowed in Agricultural zones.
- d) Agricultural Waste Burning shall only be allowed in Agricultural zones.
- e) Yardsites shall not be allowed to be burnt in Townsites and Commercial zones.

RURAL MUNICIPALITY OF ROSSER

By-law No. 5-11

- f) Outdoor Burning Boilers used as a heat source for a building shall:
 - i) have a chimney with a minimum height of 17 feet;
 - ii) be located a minimum of 100 feet distance from property lines;
 - iii) be located a minimum of 100 feet distance from any building;
 - iv) be inspected by the local Fire Department; and
 - v) ashes to be stored safely in a fireproof container.
- g) Industrial and Construction Waste Burning shall not be allowed in the Rural Municipality of Rosser.
- h) All burning shall be conducted in a manner whereby it is not detrimental to the health and comfort of the residents surrounding the property where the burning is taking place.
- i) All straw and/or bales that are to be burnt on an Agricultural field shall require an area to be cultivated around the border of the field of a sufficient width to prevent fire spreading to neighbouring properties and ditches and shall be monitored by a responsible person in order to ensure the fire does not get out of control.
- j) All federal and provincial legislation shall take precedent over this By-Law.

3. PENALTIES:

Every person who contravenes or refuses, neglects or fails to obey or observe any provision of this By-law is subject to the following penalties:

- a) Is guilty of an offence and is liable upon summary conviction to a fine of not less than \$500.00 or to imprisonment for a term not exceeding three month, or both such fine and imprisonment.
- b) Each contravention shall be considered as a separate offence.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 0 077 E PR 221, Rosser in the Province of Manitoba this 10th day of May, A.D. 2011.

RURAL MUNICIPALITY OF ROSSER

“Frances Smee”

Reeve

“Beverley Wells

Chief Administrative Officer

GIVEN First Reading this 27th day of April, A.D. 2011.

GIVEN Second Reading this 10th day of May, A.D. 2011.

GIVEN Third Reading this 10th day of May , A.D. 2011.