

**MUNICIPALITY OF CLANWILLIAM-ERICKSON
BY-LAW No. 20/15**

**BEING A BY-LAW OF THE MUNICIPALITY OF CLANWILLIAM-ERICKSON TO
REGULATE BURNING WITHIN THE MUNICIPALITY EXCLUDING THE TOWN OF
ERICKSON.**

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
- (i) preventing and fighting fires
- (o) enforcement of by-laws

AND WHEREAS The Wildfires Act, C.C.S.M., c. W128, contains the following definitions, among others:

“**“outdoor fire”** means a fire that is started outdoors but does not include a fire that is started in, and remains contained within, a container or fire pit that is approved by an officer;”

“**“wildfire”** means an outdoor fire that is burning out of control or that an officer believes may burn out of control;”

“**“wildfire protection operations”** means wildfire prevention, detection, control, pre-suppression, suppression, investigation and extinguishment;”

AND WHEREAS The Wildfires Act, C.C.S.M. c. W128, states that:

2 “Subject to section 18, this Act applies to all land within Manitoba.”

13(1) “Subject to subsection (2), section 15, or an agreement made under section 6, a municipality is responsible for wildfire protection operations within its boundaries.”

14 “A municipality may appoint and remunerate fire guardians to carry out its wildfire protection responsibilities under this Act, the regulations or a municipal by-law, and may cancel an appointment at any time.”

31(1) “Where the Crown or a municipality incurs costs, expenses, loss or damage as a result of

- (a) wildfire protection operations;
- (b) enforcing an officer's order which was not obeyed; or
- (c) fire loss;

the Crown or the municipality is entitled to be reimbursed by the person who caused the Crown or the municipality to incur costs, expenses, loss or damage, and the amount of costs, expenses, loss or damage is a debt due and owing to the Crown or the municipality.”

31(2) “In an action by the Crown or a municipality under subsection (1), a copy of an entry in a book or record kept by the Crown or the municipality, or a copy of an itemized statement of costs and expenses prepared by the Crown or the municipality and certified by the minister or the mayor or reeve of the municipality, shall be admitted in the absence of evidence to the contrary, as proof of the entry or statement and of the matters, transactions and accounts recorded in it.”

NOW THEREFORE the Council of the Municipality of Clanwilliam-Erickson in session assembled enacts as follows:

1. THAT the Fire Chief of the Erickson Fire Department, and the Chief Administrative Officer of the Municipality of Clanwilliam-Erickson, be appointed as a fire guardians for purposes of The Wildfires Act.

2. THAT no person shall start an outdoor fire in areas of the Municipality of Clanwilliam-Erickson, excluding the Town of Erickson designated as a burning permit area by Provincial Regulation, unless done in accordance with The Wildfires Act.
3. THAT a person starting an outdoor fire in all other areas of the Municipality of Clanwilliam-Erickson not designated as a burning permit area by Provincial Regulation, shall do so subject to the conditions and provisions of The Fires Prevention & Emergency Response Act, The Wildfires Act, and Manitoba Burning of Crop Residue Regulations.
4. THAT the Fire Guardians appointed by the Municipality of Clanwilliam-Erickson by this by-law, may, at their discretion, ban all outdoor fires in the Municipality if conditions exist where, in the opinion of the Fire Guardians, outdoor fires are of extremely high risk, and such ban would prevent wildfires from occurring. Further, if such an outdoor fire ban is designated, Clause 3 is suspended until such time as the Fire Guardians remove the ban and permit outdoor fires.
5. THAT subject to any agreements to the contrary, where any type of wildfire protection operations have been undertaken within the Municipality, the Municipality may, in respect of any related costs incurred in taking such action, charge such costs to the person who caused the wildfire, or the owner or occupant of the land or property in respect to which the action was taken. Further, the Municipality may proceed to collect any costs as against the person by any means available to it in law for the collection of outstanding taxes, including, without limitation, adding the costs to the realty taxes on any property owned by the person within the Municipality.
6. THAT any person who contravenes or disobeys, or refuses or neglects to obey or comply with any order made under this by-law is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$1000, or in the case of an individual, to imprisonment for a term not exceeding six months, or to both such a fine and such an imprisonment.
7. THAT all fines 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.
8. That this by-law shall come into force and take effect on the passing thereof.

DONE AND PASSED as a By-law of the Municipality of Clanwilliam-Erickson, in council duly assembled at Erickson, in the province of Manitoba, this **10th** day of **June, 2015**.

THE MUNICIPALITY OF CLANWILLIAM-ERICKSON

Mayor

Chief Administrative Officer

Read a first time the 27th day of May, A.D. 2015.
 Read a second time the 27th day of May, A.D. 2015.
 Read a third time the 10th day of June, A.D. 2015.