

**TOWN OF ARBORG
BY-LAW NO. 8-2017**

Being a By-Law of The Town of Arborg to Regulate Outdoor Fires in the Town of Arborg

WHEREAS subsection 231(1)(a) of *The Municipal Act* authorizes a council to pass by-laws for the purposes respecting the safety, health, protection and well-being of people, and the safety and protection of property;

AND WHEREAS it is deemed necessary and expedient to pass a by-law for the purpose of regulating open air fires and outdoor burning appliances;

NOW THEREFORE the Council of The Town of Arborg regular session assembled, enacts as follows:

1. This by-law may be cited as the “Outdoor Fire By-law”.
2. All measurements found in this by-law shall be adhered to unless otherwise specified recommendations from the manufacturer are greater.

PART 1 - DEFINITIONS

3. In this by-law:
 - (a) **“ACCEPTABLE FIRE PIT”** means an outdoor receptacle that meets the following specifications:
 - (i) a minimum of **1.5 meters (5 feet)** clearance, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible material;
 - (ii) the fire pit height does not exceed **0.5 meters (20 inches)** when measured from the surrounding grade to the top of the pit opening;
 - (iii) the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials;
 - (iv) a spark arrestor mesh screen with openings no larger than **1.25 cm (0.5 inches)** and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks; and
 - (v) the fire pit shall not be used to burn prohibited debris.
 - (b) **“ACCEPTABLE CHEMINEA / FIREPLACE / STOVE / FIRE BOX / FIRE BOWL”** means a *manufactured* outdoor appliance that meets the following specifications:
 - (i) a minimum of **1.5 meters (5 feet)** clearance measured from the nearest receptacle edge is maintained from buildings, property lines, or other combustible material;
 - (ii) the receptacle is constructed of materials that are heat and flame resistant;
 - (iii) the appliance is equipped with a secured chimney not less than **2.5 meters (8 feet)** in height when measured from the base of the fire burning area;
 - (iv) the appliance is equipped with a regulation screen no larger than **1.25 cm (0.5 inches)** and constructed of expanded metal (or equivalent non-combustible materials) and is designed to contain and reduce the hazards of airborne sparks;
 - (v) the base of the fire burning area is not less than **0.2 meters (8 inches)** above the surrounding grade;
 - (vi) the base of the fire burning appliance shall be placed upon a non-combustible surface such as earth, concrete, metal or other non-combustible materials;
 - (vii) shall not be used on wooden decks unless located **1.5 meters (5 feet)** from any property line, building or other combustible structure and placed on a non-combustible surface extending **40cm (16 inches)** from the widest part of the appliance;
 - (viii) outdoor solid fuel appliances shall be located on a flat, level and non-combustible base clear of overhangs such as roofs, tree branches and utility wires; and
 - (ix) the appliance shall **not** be used to burn prohibited debris.
 - (c) **“FIRE DEPARTMENT”** means the **Arborg Bifrost Fire & Emergency Services** as established and organized by the Town of Arborg pursuant to the provisions of the current by-law in effect.
 - (d) **“BURNABLE DEBRIS”** means materials other than Prohibited Debris burned in accordance with the Outdoor Fire Permit and all applicable statutes and by-laws, including but not limited to materials such as: charcoal, or cut, seasoned wood.
 - (e) **“TOWN”** means the Town of Arborg.
 - (f) **“FIRE CHIEF”** means the Fire Chief of the Town of Arborg who performs the duties and responsibilities of a Fire Chief, or his designate.
 - (g) **“PROHIBITED DEBRIS”** means any inflammable waste that, when burned, may result in the release to the atmosphere, dense smoke, offensive odours or toxic substances as

defined in any applicable statutes and by-laws including but not limited to non-wooden material, tires, used oil and household refuse.

- (h) “**ANNUALLY**” means fiscal year, January 1st to December 31st.
- (i) “**ANNUAL OUTDOOR FIRE PERMIT**” means the permit to burn issued by the Town of Arborg Municipal Office in accordance with this by-law, hereinafter referred to as the “Outdoor Fire Permit”

PART 2 – OPEN AIR FIRES PROHIBITED

- 4. Exempt from this By-Law:
 - (a) the cooking of food using a Barbecuing Appliance;
 - (b) burning in fireplaces, in or attached to dwellings, as provided by legislation;
 - (c) burning in an incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation;
 - (d) burning by the Arborg Fire & Emergency Services Fire Department for the purpose of training its members, or reducing the possibilities of wildfires (controlled burns).
- 5. A person to who lights a fire shall not leave the fire unattended at any time while it is burning or smoldering and shall ensure that sufficient appliances and equipment to prevent the fire from getting beyond control, or causing damage or becoming dangerous are at the fire site.

PART 3 – PROCEDURE TO OBTAIN A PERMIT

- 6. Any person wishing to obtain an Outdoor Fire Permit shall make application to the Municipal Office in the form attached as Schedule “A” during the normal business hours.
- 7. Each application for an Outdoor Fire Permit shall contain the following information:
 - (a) the name and address of the applicant, and the owner’s name if different from the applicant;
 - (b) the legal description or civic address of the property for which the applicant is applying for the Outdoor Fire Permit;
 - (c) the type of Outdoor Fire Installation;
 - (d) the written consent to the proposed application by the owner of the land if different from the applicant.

PART 4 – REGULATIONS

GENERAL

- 8. All outdoor fire pits/appliances must be registered **annually** with the Municipal Office in the form of an **Outdoor Fire Permit, “Schedule A”** available from the Municipal Office at no charge;
- 9. Occupants of the property, if not the owner, must first obtain written permission from the owner, and present same to the Municipal Office upon applying for an Outdoor Fire Permit.
- 10. Material which may be burned in an open fire as permitted under this by-law shall consist only of charcoal, cut seasoned wood or commercially approved fire logs. The burning of the following material is prohibited:
 - (a) rubbish;
 - (b) garden refuse, lawn clippings or leaves;
 - (c) manure;
 - (d) any material classified as a dangerous good, and any material which, when burned, will generate black smoke or an offensive odour including, but not limited to, insulation from electrical wiring or equipment, asphalt, roofing materials, hydrocarbons, plastics, rubber materials, creosote wood, or any similar material.
- 11. Fires shall be supervised at all times so as to prevent their spread.
- 12. Fires shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
- 13. If smoke from a fire causes an unreasonable interference with the use and enjoyment of another person’s property, the fire shall be extinguished immediately.
- 14. The person lighting the fire is responsible for any damages that might result from the lighting of the fire.
- 15. Any fire permitted by this by-law shall be contained to a manageable size so that the fire, or any embers, sparks or smoke emanating from it does not endanger any person or property or cause any objectionable effect on nearby property.

16. The Fire Chief, or his designate, or RCMP may direct that a fire be extinguished, or may extinguish a fire that in his/her opinion is a nuisance or a threat to public safety.
17. All outdoor burning appliances;
 (a) shall not be used on apartment balconies;
 (b) shall not be used indoors;
 (e) shall be separated from grass and other vegetation by a distance of at least **40 cm (16 inches)** by means of earth, sand, gravel or other non-combustible medium;
18. Burning barrels or other similar device for the burning of any household or yard refuse are **prohibited**.

PART 5 - INSPECTION OF BURNING DEVICES

19. Upon issuance of an Outdoor Fire Permit, the Fire Department will have 15 days with which to inspect the burning device to ensure it is compliant to this By-law at no cost to the occupants of the property or the Municipality. Recommendations may be made at this time to bring any contraventions of the by-law into compliance.
20. Upon receiving a complaint, the Fire Department will inspect the burning device to ensure it is compliant to this by-law at no cost to the occupants of the property or the Municipality. Recommendations may be made at this time to bring any contraventions of the by-law into compliance.

PART 6 – OFFENCES , PENALTIES, ENFORCEMENT AND ENACTMENT

21. Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.
22. Any person who contravenes, or does not comply, or improperly complies, or only partly complies with any provisions of this by-law commits an offence. Everyone who commits an offence is liable to pay the expense recovery of the costs incurred as a result of the fire.
23. In the event of extreme dry conditions the Town of Arborg reserves the right to restrict all outdoor burning as deemed necessary by the Province of Manitoba, Fire Chief or his/her delegate.

DONE AND PASSED by the Council of the Town of Arborg duly assembled at Arborg, Manitoba this **13th** day of **September A.D. 2017**.

Randy Sigurdson
Mayor

Lorraine Bardarson
Chief Administrative Officer

Read a first time this	23 rd	day of	August	A.D.	2017
Read a second time this	23 rd	day of	August	A.D.	2017
Read a third time this	13 th	day of	September	A.D.	2017

The Arborg Bifrost Fire & Emergency Services reserve the right to regulate and control the design, construction materials and safety precautions of all fire pits & appliances within the corporate limits of the Town of Arborg.

Applicant(s)' name							
Owner(s)' name (if different)							
Civic Address							
Owner		Tenant		Owner Written Consent Received			
Mailing Address							
Type of Outdoor Fire Installation							
Fire Pit		Portable Outdoor Appliance		Stationary/Built-in Outdoor Appliance			
Type of Construction							
Brick		Concrete Block		Masonry		Heavy Gauge Metal	
Other Non-Combustible Material (Please Specify):					Spark Arrestor; Mesh Screen		

Comments:

I, the above applicant, will comply with the Town of Arborg Outdoor Burning By-law No. 8-2017, made available to me in printed format or online version. I further accept any and all responsibility and liability for damages that may occur from the use of my outdoor fire pit or appliance installation.

Applicant – Print Name

Signature of Applicant

Approved by: _____ on this _____ day of _____ 20____.
(CAO, Town of Arborg)

Copied to Arborg Bifrost Fire & Emergency Services

Permit expires: December 31st, 20____ .