



# **CITY OF STEINBACH**

## **BURNING BY-LAW NO. 2205**

**A by-law of the City of Steinbach for the prevention and control of fires within the City of Steinbach.**

**March 15, 2022 - First Reading**

**April 5, 2022 - Second and Third Reading**

## **PART 1: AUTHORITY, ENACTMENT AND DEFINITIONS**

**WHEREAS** it is deemed expedient and advisable 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 City of Steinbach.

**WHEREAS** Section 232 (1) of *The Municipal Act* provides that a Council may pass by-laws for municipal purposes respecting the following matters pertaining to:

- (a) The safety, health, protection, and well-being of people from fire
- (b) The safety and protection of property from fire
- (c) Implementing various programs and or laws for fire prevention purposes
- (d) Implementing various programs for the purposes of fire suppression
- (e) Enforcement of any provincial or municipal statues as they may apply

**NOW THEREFORE THE COUNCIL OF THE CITY OF STEINBACH IN SESSION ASSEMBLED, ENACTS AS FOLLOWS:**

### **NAME OF BY-LAW**

1.1 The name of this by-law, for citation, is the "Steinbach Burning By-law".

### **DEFINITIONS**

1.2 In this by-law:

- (a) **Designated Employee** means any person authorized by the City Manager to enforce this by-law on behalf of Steinbach City Council.
- (b) **False Alarm** means the triggering of an alarm system, other than by an act of nature or power failure, which results in an emergency response from the Steinbach Fire Department where none is required.
- (c) **Flying Lanterns** means a product resembling a small translucent hot-air balloon, fueled by an open flame, also having other product names (Sky Lantern, Chinese Lantern, or Kongming Lantern)
- (d) **Open-air Fire** means a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble, or crop residue and for religious or ceremonial purposes.

## **PART 2: BURNING BAN**

### **ISSUING A BURNING BAN**

The City Manager or Designated Employee may ban **ALL OPEN-AIR FIRES** (including fires contained within enclosed fire pits and solid fuel burning appliances) in the City of Steinbach if conditions exist where, in the opinion of the city, fires pose a sufficiently high level of risk.

## **PART 3: OPEN-AIR FIRES**

### **OPEN-AIR FIRES SUBJECT TO THIS BY-LAW**

- 3.1 Owners, occupiers or persons in charge of a property within the City must ensure that all open-air fires thereon are set and maintained in accordance with the requirements of this by-law.

### **RULES REGARDING ALL OPEN-AIR FIRES**

- 3.2 A person in charge of an open-air fire must ensure that
- (a) the fire is enclosed on all sides by a fire pit constructed of masonry, concrete, heavy gauge metal or other non-combustible materials;
  - (b) the fire is always kept under control;
  - (c) an adequate supply of water, sand or some other means of controlling and extinguishing the fire is readily accessible;
  - (d) the fire is not set or maintained in conditions or locations which will or could result in:
    - (i) smoke which causes a nuisance or irritation to people on adjacent properties;
    - (ii) reduced visibility on any highway or road;
    - (iii) a rapid spread of fire through grass or brushed areas.
  - (e) if the fire becomes uncontrollable or spreads beyond its assigned limits, the Steinbach Fire Department is alerted by calling 911; and
  - (f) only clean, dry, unpainted, and untreated wood is burned.

### **PERMITS AUTHORIZING VARIATIONS OF RULES FOR OPEN-AIR FIRES**

- 3.3 A designated employee may issue a permit authorizing an open-air fire that does not strictly comply with this by-law where the designated employee is satisfied that doing so will not expose people or property to undue risk or nuisance.
- 3.4 No permit is required for the burning of plant-based yard-waste material as defined and permitted under City of Steinbach By-Law 1663 Concerning the Control of Junk, Weeds and Nuisance and Stagnant Water in the months of May and October.

## **PART 4: PROHIBITIONS**

### **PROHIBITION OF FLYING LANTERNS**

- 4.1 No person may ignite and/or release or permit the ignition and/or releasing of a product commonly referred to as a flying lantern as defined herein into the air within the City of Steinbach.
- 4.2 Any person who offers for sale, causes, or permits to be sold, or otherwise distributes sky lanterns within the City of Steinbach must post a notice in a conspicuous location within the point-of-sale area which indicates that igniting sky

lanterns or releasing sky lanterns while ignited is not permitted within the City of Steinbach.

#### **PROHIBITION OF FIREWORKS**

- 4.3 No person may use, set off or allow to be used or set off any fireworks in such a manner that might create danger or constitute a nuisance to any person or property.
- 4.4 No person may use or set off any fireworks in a highway, street, lane, square, or public place without first obtaining a permit from the Designated Employee.
- 4.5 Any person(s) or organization(s) setting off firework displays shall ensure that all debris produced by the display is removed and that the area is brought back to the state it was in prior to the display taking place.
- 4.6 The sale, use, and storage of fireworks must comply with all federal and provincial acts and regulations.

## **PART 5: PERMITS**

#### **AUTHORITY TO ISSUE PERMITS**

- 5.1 Any permit required by this by-law must be issued by a designated employee.

#### **CONDITIONS OF PERMIT**

- 5.2 A permit may be issued subject to conditions designed to reduce, eliminate, or mitigate nuisances or hazards to people or property associated with the activity.

#### **REFUSAL TO ISSUE PERMITS**

- 5.3 The designated employee may refuse to issue a permit where:
  - (a) the designated employee determines that the activity cannot be conducted without violating this by-law, another by-law of the city or a provincial or federal statutory provision;
  - (b) the designated employee determines that the applicant lacks the skills and knowledge necessary to conduct the activity safely and in compliance with this by-law, other relevant by-laws of the city or relevant provincial or federal statutory provisions;
  - (c) the designated employee determines that no conditions can be imposed that would allow the activity to be conducted safely;
  - (d) the applicant is neither in legal possession of the property on which the activity is to take place nor has written permission from the occupant of the property to conduct the activity;
  - (e) the applicant has been found guilty of failing to comply with conditions imposed on a similar permit or this by-law or other relevant by-laws within the past year;
  - (f) a similar permit issued to the applicant has been revoked within the past year; or

- (g) the applicant is not eighteen years of age or older.

#### **WITHHOLDING PERMITS**

- 5.4 A permit may be withheld until and unless a designated employee has inspected and approved the location at which the activity is proposed to take place.

#### **FLEXIBILITY OF PERMIT**

- 5.5 A permit
  - (a) may be issued for a specific occasion or for an extended period of time; and
  - (b) may allow for more than one instance of an activity at a single area or location.

#### **APPLICATION FOR PERMITS**

- 5.6 Applicants for permits must provide information required by the designated employee to assess the application, which may include, among other things;
  - (a) the name, address and telephone number of the applicant;
  - (b) the address or legal description of the land on which the applicant proposes to conduct the activity;
  - (c) information concerning the activity and the circumstances in which the activity will be carried on.

#### **OBLIGATIONS OF PERMIT HOLDER**

- 5.7 A person to whom a permit has been issued must;
  - (a) comply with this by-law and the conditions imposed in the permit at all times during the term of the permit; and
  - (b) ensure that the permit is available for examination by a designated employee at the site of the permitted activity.

#### **SUSPENSION AND REVOCATION OF A PERMIT**

- 5.8 Where a permit holder has contravened any of the conditions of a permit issued under this by-law, the provisions of this by-law or where the designated employee concludes that atmospheric conditions or other circumstances make the permitted activity unsafe, a designated employee may;
  - (a) suspend the permit for a specified period of time or until the contravention has been remedied or specific conditions are met; or
  - (b) revoke the permit.

## **PART 6: FALSE ALARM INCIDENTS**

#### **OWNER'S RESPONSIBILITY**

- 6.1 The owner of any property will be responsible for the proper use, installation, maintenance, operation and monitoring of any fire alarm system installed upon or within the property, or any premises situated or constructed thereon, to ensure the prevention of false alarms.

#### **FALSE ALARMS SUBJECT TO THIS BY-LAW**

- 6.2 Any property owner or occupier of a premises containing a fire alarm system, where there have been more than two (2) false alarms within the same calendar year is liable to pay fines listed in Schedule "A".

## **PART 7: PENALTIES AND ENFORCEMENT**

#### **PENALTIES**

- 7.1 Subject to the Administrative Penalty By-Law, or a by-law implemented under the authority of the Provincial Offences Act, any person who contravenes or disobeys, or refuses or neglects to obey any provision(s) of this by-law is guilty of an offence and is liable to the fines listed in Schedule "A".
- 7.2 Where a corporation commits an offense against this by-law, each person who is authorized, or consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes offence, is likewise guilty of the offense and liable to the penalty for which provision is made in section 7.1.
- 7.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the guilty person is liable to a separate offense for each day it continues.
- 7.4 In addition to imposing a fine(s), the city is entitled to be reimbursed by the person(s) for costs incurred by the City in fire protection and suppression operations that were undertaken as a result of any contravention of this by-law that resulted in the costs to be incurred.

#### **INSPECTION**

- 7.5 The Designated Employee(s) may enter land/property, buildings or structures at any reasonable time to carry out an inspection, enforcement or action authorized by by-law or an Act, or request that anything be produced to assist in the inspection, remedy, enforcement or action authorized.
- 7.6 The Designated Employee(s) shall display or produce upon request identification showing that they are authorized to make the entry.
- 7.7 The Designated Employee(s) may take written notes of any violations that may exist, and may take photographic evidence, which will be kept on file.
- 7.8 The Designated Employee(s) may conduct any further inspections necessary to determine whether the actions or measures set out in a Notice of Contravention or an Order to Remedy a Contravention have been taken to remedy the contravention or situation, or to prevent a reoccurrence of the contravention.

7.9 It shall be the Designated Employee's opinion and discretion whether a Notice of Contravention or Order to Remedy a Contravention have been complied with.

**PART 8: SEVERABILITY**

If any section, subsection, sentence, clause, phrase or other portion of this by-law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the by-law.

This by-law shall come into force and take effect on the passing thereof.

DONE AND PASSED in Council assembled, this \_\_ day of \_\_\_\_\_ 2022

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

## **SCHEDULE A: PENALTY FINES**

*(subject to revision from time to time by Resolution of Council).*

<b>Steinbach Burning By-Law No. 2205</b>		<b>Fine</b>	
<b>Provision</b>	<b>Contravention</b>	<b>Full Fine (\$)</b>	<b>Discounted Fine (\$)</b>
s. 2-6	All by-law contraventions as set out in Burning By-Law No. 2205 and any future amendments or successive by-laws except for third and any subsequent false fire alarm incidents.	500	250
s. 6	Third and any subsequent false fire alarm incidents.	1000	500

Penalty fines are discounted when paid within the timeframe given in the Steinbach Administrative Penalty By-Law.