

TOWN OF NEEPAWA  
BY-LAW NO. 3055

BEING A BY-LAW of The Town of Neepawa to regulate open air fires in the Town of Neepawa.

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

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

1. This by-law may be cited as the "Open Air 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 .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 (.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 FIREPLACE AND STOVE" means an outdoor receptacle that meets the following specifications:
    - (i) a minimum of 1.5 metres (5 feet) clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
    - (ii) the fireplace is constructed of materials that are heat and flame resistant;
    - (iii) the fireplace is equipped with a secured chimney that is not less than 2.5 meters (8 feet) in height when measured from the based of the fire burning area;
    - (iv) the fireplace chimney is equipped with a regulation screen no larger than 1.25 cm (.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 .3 meters (12 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) 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
    - (viii) the fireplace or stove shall not be used to burn prohibited debris.
  - (c) "Neepawa Fire Dept" means the Neepawa Fire Department as established and organized by the Town of Neepawa 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 Open Air Fire Permit and all applicable statutes and by-laws, including but not limited to materials such as: charcoal, cut or seasoned wood.
  - (e) "Town" means the Town of Neepawa.
  - (f) "FIRE CHIEF" means the Manager of the Neepawa Fire Department for the Town of Neepawa who performs the duties and responsibilities of a General Manager/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.

## PART 2 – OPEN AIR FIRES PROHIBITED

4. Exempt from this By-Law:
- (a) the cooking of food using a Portable 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 Neepawa 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 – REGULATIONS

### GENERAL

6. Material which may be burned in an open fire as permitted under this by-law shall consist only of charcoal or 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) livestock or animal carcasses;
  - (e) any material classified as a dangerous good, and any material which, when burned, will generate black smoke or an offensive odour including insulation from electrical wiring or equipment, asphalt, roofing materials, hydrocarbons, plastics, rubber materials, creosote wood, or any similar material.
7. Fires shall be reasonably supervised so as to prevent their spread.
8. Fires shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
9. 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.
10. The person lighting the fire is responsible for any damages that might result from the lighting of the fire.
11. Any fire permitted by this by-law shall be contained to a reasonable size so that the fire, or any embers, sparks or smoke emanating there from does not endanger any person or property or cause any objectionable effect on nearby property.
12. The Fire Chief or his designate or RCMP may direct that a fire in a fire pit be extinguished, or may extinguish a fire that in his opinion is a nuisance or a threat to public safety.
13. All outdoor burning receptacles;
- (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;
14. Burning barrels or other similar device for the burning of any household or yard refuse are prohibited.

### Part 4 Inspection of Burning Devices

15. Upon receiving a complaint the fire department will inspect the burning device to ensure it is complaint to this by-law at no cost to the property owner or the occupants of the property. At this time recommendations maybe made to bring any contraventions with in the by-law

## PART 5 – OFFENSES , PENALTIES, ENFORCEMENT AND ENACTMENT

16. Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.
17. 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 cost incurred as a result of the fire.

18. Where a person:

- (a) fails to follow the provisions of the by-law and those conditions outlined in this by-law;  
or
- (b) a fire beyond the control of a person or other emergency results, then such person shall be liable to pay all costs of all emergency response service incurred by the Neepawa Fire Department and the Town shall be able to recover from such person all such costs as a debt owing to the municipality.

19. In the event of extreme dry conditions the Town of Neepawa reserves the right to restrict all outdoor burning as deemed necessary by the Fire Chief or his delegate.

20. That Part VIII: General – Burning & Open Air of By-Law No. 2901 be hereby rescinded.

DONE AND PASSED by the Council of the Town of Neepawa in regular session assembled, this 6th day of May A.D. 2008.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

Read a first time this 5 day of February A.D. 2008.

Read a second time this 6 day of May A.D. 2008.

Read a third time this 6 day of May A.D. 2008.