



**Town of Winnipeg Beach
BY-LAW #5/2004**

BEING A BY-LAW OF THE TOWN OF WINNIPEG BEACH TO LIMIT THE CONDITIONS UNDER WHICH A PERSON OR PERSONS MAY SET A RECREATIONAL FIRE WITHIN WINNIPEG BEACH

WHEREAS Section 232(1) of *The Municipal Act*, S.M. 1996 c. 58 provides in part:

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;
 - (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
 - (c) subject to 233, activities or things in or on private property;
 - (d) – (o) preventing & fighting fires.

Contents of by-laws under clause 232(1)(c)

- 233 A By-Law under clause 232 (1) © (activities or things in or on private property may contain provisions only in respect of;
- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
 - (b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;
 - (c) the removal of top soil; and
 - (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS it is deemed expedient and in the best interests of the Town of Winnipeg Beach to enact a By-Law regulating or limiting the conditions under which a person or persons may set a recreational fire in the Town of Winnipeg Beach.

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a By-Law of the Town of Winnipeg Beach as follows:

DEFINITIONS:

Recreational Fire :

A circle of stones or bricks, Maximum 4 (four) feet in diameter.

An incinerator made of metal or brick and stone, maximum 3 (three) feet square or diameter c/w a metal grill or lid.

Bonfire is a controlled fire within a circle of stones or brick and a maximum height of flames of 4 (four) feet.

A Fire Chief or his designate, is an ex-officer assistant to the Fire Commissioner, and is the Chief of the Fire Department of the Municipality in which the Fire Department is established.


REQUIREMENTS:

1. That no person shall set a fire under any circumstances, in order to burn any stumps, trees, logs, brush, grass, straw, shavings or refuse of any kind.
2. That a person or persons may set a barbecue or a bonfire for recreational purposes, that is, to barbecue or roast meat, hamburgers, or wieners.
3. That the roasting of any such material as described in article #2 shall be done in an area, on private property, encircled by stones or bricks, in the case of a bonfire, and in an incinerator made either of metal or of brick and stone with a metal lid, in the case of barbecues.
4. That the person or persons wishing to set a bonfire or barbecue, must abide by the safety regulations of the "Fire Prevention Act" and any other Town of Winnipeg Beach By-Law and or requirements imposed by the Fire Chief or designate or By-Law Enforcement Officer.
5. That a fire shall be "attended to" by a responsible person at all times.
6. That the Fire Chief or designate may place a complete ban when he deems that the conditions so warrant.
7. That the Fire Chief or designate, may limit the time period for fires when he considers it appropriate.
8. That the costs of actions or measures taken by the Town of Winnipeg Beach to carry out the terms of an order issued under the designated officer are an amount owing to the Town of Winnipeg Beach by the owner of the property and may be collected by the Town of Winnipeg Beach in the same manner as a tax collected or enforced under *The Municipal Act*.
9. That any person who contravenes or disobeys, or refuses or neglects to obey any order made under this By-Law is guilty of an offence and is liable, on summary conviction, to a minimum fine of \$250.00, or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and such an imprisonment.
10. That where a corporation commits an offence under this By-Law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in the doing of the act or omission that constitutes the offence, is likewise guilty of an offence and is liable, on summary conviction, to the penalties for which provision is made in Section 9 above.
11. That where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person or corporation is guilty of a separate offence for each day it continues.


12. That the authorized staff of the Town of Winnipeg Beach is hereby authorized to enter any lands or premises during reasonable hours to inspect for conditions that may not be in compliance of this By-Law and constitute a condition or health hazard or contravene or failing to comply with the provisions of this By-Law.

BE IT FURTHER RESOLVED THAT By-Law #4/93 be, and is hereby repealed.

DONE AND PASSED as a By-Law of the Town of Winnipeg Beach in the Province of Manitoba this 11 day of MAY A.D.



Don Pepe
Mayor



Cory S. Young
Chief Executive Officer

Read a first time on this 27 day of APRIL 2004, A.D.
Read a second time on this 27 day of APRIL 2004 A.D.
Read a third time this 11 day of MAY 2004, A.D.