

## VILLAGE OF DUNNOTTAR

### BY-LAW NO. 986/25

Being a By-Law of the Village of Dunnottar to control open fires.

**WHEREAS** the Village of Dunnottar wishes to provide further containment regulations for the prevention of open fires within the Municipality.

**NOW THEREFORE** the Council of the Village of Dunnottar, in open Council assembled, enacts as follows:

#### 1. DEFINITIONS:

**Authority Having Jurisdiction (AHJ)** – means the District Fire Chief, or in the absence of the Fire Chief, the Designate, or in their absence, the Municipal By-Law Enforcement Officer having jurisdiction as the person or persons for the enforcement of this By-Law.

**District Fire Chief** – means the fire chief of the St. Andrews North Hall/Matlock Fire Department, or in their absence the Designate.

**Fire Pit** – means a free standing metal vessel in which a contained outdoor fire is made, which does not exceed 48 inches in diameter and has sides to contain the fire, and it is recommended to have a metal screen with openings no greater than ½”

**Fireworks** – means and includes any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible and/or an audible effect by combustion, explosion, deflagration or detonation.

**Garbage** – waste generated from a residence that is not normally used in fires such as but not limited to spoiled food and other refuse.

**Low Hazard Fireworks** – means those fireworks defined as such under the current Explosive Regulations made under the Explosives Act of Canada and, without limiting the generality of the foregoing, includes firework showers, fountains, golden rain, lawn lights, pinwheels, roman candles and volcanoes.

**Nuisance** – means anything that disturbs the reasonable use of your property or endangers life and health and is offensive and also creates environmental problems, included but not limited to tires, plastics, rubber, creosote soaked, or pressure treated wood, oil products and refuse.

**Open Fire** – means a fire in which materials are burned in an open, outdoor area that does not have a chimney.

**Solid Fuel Burning Appliances** – means any appliance, either portable or fixed in place, that contains a chamber located within the appliance that is used to contain a combustion flame, included but not limited to charcoal barbeques and grills or similar devices.

**Sky Lanterns** – means balloon type object that floats in the air when lit, such as a paper balloon filled with a fuel source. Also referred to as wish lanterns or flying lanterns.

**Yard Waste Burning** – the outdoor burning of yard vegetation waste which includes leaves, and dried garden vegetation.

## **2. POWER OF AUTHORITY**

The AHJ may, at all reasonable times, and without the consent of the owner or occupier enter upon any lands or premises where the AHJ has reason to believe that a violation of the within By-Law has occurred or is occurring.

### **2.1 Inspection and Orders**

The District Fire Chief or AHJ may:

- i) enter at all reasonable times on any property that is subject to the requirements or regulations of this By-Law, to ascertain whether the regulations in this By-Law or directions made under this By-Law are in compliance.
- ii) make orders directing the owners or occupiers of property to bring the fire into compliance with this By-Law.
- iii) prevent material not properly prepared (i.e. dried) from being added to fire.
- iv) call on the Ministry of Water, Land and Air Protection's Conservation Officers if a person is burning waste in contravention of the Waste Management Act.
- v) order the person to immediately put the fire out.

## **3. FIRE PREVENTION STANDARDS**

### **3.1 Storage of Containers**

All boxes, crates, petroleum containers, empty or otherwise, packing materials, or other materials used or kept in any building or on any lot shall be:

- i) so stacked or piled as to keep them clear of windows and doors to provide for clear ingress and egress to and from any of the premises or building;
- ii) kept away from any source of ignition;
- iii) removed forthwith if determined to constitute a fire hazard by the AHJ to such location as authorized by the AHJ.

### **3.2 Property Maintenance**

All buildings and properties shall be adequately maintained in order to guard against fire or risk of fire.

### **3.3 Fire Alarm Systems**

Every fire alarm system shall be maintained at all times in operating condition and tested by a qualified person in accordance with the requirements of the Code;

Where a District Fire Hall attends in response to a fire alarm call which is an apparent false alarm, the District Fire Chief, or in his absence the senior officer of the District Fire Hall present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. Where unable to contact the property owner or designated person, then a security company may be called in to perform a fire-watch service at the expense of the owner. The total cost of restoration of any fire alarm equipment, and related costs of hiring a

security guard or any fire-watch service, shall be the responsibility of the owner or his insurer. If the owner cannot be located to pay this bill, then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes

#### **4. PERMISSION TO BURN**

Only burning of clean dry wood is permitted within the Village of Dunnottar.

##### **4.1 Outdoor Fire**

If any of these conditions are violated the property owner may be charged under the Manitoba Fire Code, the Environmental Protection Act and/or charged a fee equal to any expense incurred by the Village of Dunnottar and/or the Matlock Fire Department to respond to a fire or complaint concerning a fire on the property.

i) Fire Pit or Barbeque Pit not to exceed 48 inches, container will have sides to contain the fire and is recommended to have a metal screen with openings no greater than ½' over top,

ii) Contained fire pits must be at least 1.5 meters (5 feet) from any building, property lines or combustible materials.

iii) The direction of smoke will not be a nuisance to the neighbours and the fire must be extinguished immediately if smoke interferes with neighbours or if ordered by the District Fire Chief.

iv) Only clean dry wood can be burnt.

iv) All toxic and non-toxic materials prohibited by the Environmental Protection Act including, but not limited to, treated, painted or laminated wood, tires, rubber, plastic, asphalt, foam, insulation, cardboard, cloth, leaves, grass, straw and vegetation shall not be burnt at any time.

v) Fire must be supervised at all times by a person 18 years of age or older until and unless it is fully extinguished.

vi) Sufficient water/other fire retardant equipment is readily available to keep the fire under control.

vii) Fire must be extinguished immediately if smoke interferes with neighbours or if ordered by the District Fire Chief.

#### **5. PROHIBITION**

Subject to the provisions of this By-Law, no person shall burn nor place or deposit for the purpose of burning upon any private or public property garbage, or food or animal waste and yard waste.

#### **6. ORDERS AND ENFORCEMENT**

If the AHJ discovers that any person or persons has contravened the provisions of within By-Law, or that the persons have not complied or have complied improperly or have complied in part only with the provisions of the By-Law or the safeguards and restrictions of this By-Law and in the opinion of the AHJ, a danger or nuisance, or annoyance to other persons or property has resulted, the AHJ may make such order to ensure a full and proper compliance with the within By-Law and, in particular, without limiting the generality of the foregoing, they may:

- i) Serve upon the owner or occupier of the property such recommendations as deemed necessary or expedient to correct the contravention or to ensure compliance with the within By-Law or to remove the danger, nuisance or annoyance referred to in the within By-Law, or
- ii) Serve upon the owners or occupiers of the property such orders as they deem necessary or expedient with respect to any of the matters referred to in the within By-Law.

An order made under the provisions of this By-Law shall be in and shall be directed to the owner or occupier of the property in respect of which the order is made or to both.

As order made pursuant to the provisions of the within By-Law shall be served by:

- i) delivering or causing it to be delivered to the person to whom it is directed, or
- ii) Posting a copy of the order in a conspicuous place on the property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of the order and service shall be deemed to be made by such posting.

## **7. FIREWORKS**

Low Hazard Fireworks and Sky Lanterns shall be permitted, subject to the following:

- i) Fireworks will be permitted only between the hours of 7:00 p.m. and 11:00 p.m. on the following days:

New Year's Eve	New Year's Day
the eve of Victoria Day	Victoria Day
the eve of Canada Day	Canada Day
the eve of the August Civic Holiday	August Civic Holiday
the eve of Labour Day	Labour Day
the eve of Thanksgiving	Thanksgiving Day
- ii) Fireworks are discharged on privately owned land; and
- iii) Fireworks are discharged by a person 18 years of age or older; and
- iv) Fireworks shall not be discharged in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the discharge of fireworks; and
- v) Fireworks shall not be discharged in or into any building doorway or automobile; and
- vi) Fireworks shall not be discharged in or on or into any park, highway, street land or other public place, unless prior permission has been obtained from Council.

## **8. SKY LANTERNS**

The use of Sky Lanterns is prohibited within the Village of Dunnottar.

## **9. BURN BANS**

The Municipality may, under the discretion of the District Fire Chief, or in the absence of the Fire Chief, the Designate or the Mayor in the absence of the

Mayor, the Deputy Mayor, in consultation with Chief Administrative Officer and Council ban **ALL BURNING** (including fires contained in a fire pit and solid fuel burning appliances) in the Village of Dunnottar if conditions exist where, in the opinion of the municipality, fires are a risk and such a ban would prevent wildfires from occurring. Bans can also be implemented in cases where air quality is affected, causing health and respiratory problems.

#### **10. LIABILITY**

In the event of fire resulting from the contravention of this By-Law, and in the event that the Municipality suffers expenses in attending to such fire, the person whose violation of this By-Law is the cause of the fire shall, at the option of Council, be liable to the Municipality for the actual costs that the Municipality incurred in respect of such fire and the Municipality shall be entitled to rely on the provisions of The Municipal Act to recover such costs.

#### **11. APPEAL**

Any person claiming to be injuriously effected by a decision or order of the AHJ, pursuant to the within By-Law may, within fourteen (14) days of being served such decision or order, appeal the decision or order to the Council of the Village of Dunnottar, and the decision of Council shall be final and shall not be subject to appeal.

#### **12. SEVERABILITY**

In the event that any section or part of the within By-law is declared to be invalid, it is the intent of the Council of the Village of Dunnottar that it would have passed all other portions of the within By-Law independent of the elimination of any such section or part thereof as may be declared invalid.

#### **13. PENALTY**

Any person or persons who contravene or disobeys, or refuses or neglects to obey; any provision of the within By-Law, or any order made pursuant to the provisions of the within By-Law; for which no other penalty is herein provided, is guilty of an offence and liable, on summary conviction, to a fine of not less than one hundred (\$100) dollars.

Every person who sets a fire in contravention of this By-Law or who fails to extinguish a fire once ordered to do so by the AHJ or shall, in addition to any penalty provided for herein, be liable to the Village of Dunnottar for all expenses incurred for the purpose of investigating, controlling and extinguishing any fire set or left to burn as approved by Council, and such expenses may be recovered by court action or in a like manner as municipal taxes.

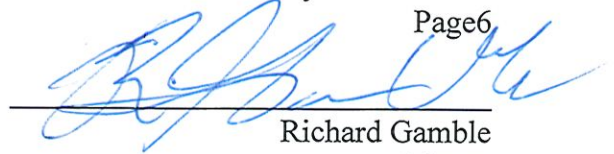
#### **14. SEPARATE OFFENCE**

Where the contravention, refusal, neglect or failure as above continues for more than one day, the person shall be guilty of a separate offence for each day such act continues.

#### **15. REPEALS**

This By-Law repeals By-Law 562-83 A.

DONE AND PASSED by the Council of the Village of Dunnottar, in Council duly assembled, at Dunnottar, in Manitoba, this 17<sup>th</sup> day of December 2025.



Richard Gamble  
Mayor



Sarah Palson  
Chief Administrative Officer

Read a first time this 19 <sup>th</sup>	day of November	A.D. 2025.
Read a second time this 17 <sup>th</sup>	day of December	A.D. 2025.
Read a third time this 17 <sup>th</sup>	day of December	A.D. 2025.