

THE RURAL MUNICIPALITY OF ALEXANDER

BY-LAW NO. 10/04

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ALEXANDER TO REGULATE THE INSTALLATION AND USE OF OUTDOOR FIRE PITS AND OUTDOOR SOLID FUEL APPLIANCES.

WHEREAS Section 232 (1)(a) and (i) of the Municipal Act, L.M. 1996, c.58 Chap. M225 provide as follows:

- 232 (1) A Council may pass by-laws for municipal purposes respecting the following;
- a) the safety, health, protection and well being of people, and the safety and protection of property;
 - (i) preventing and fighting fires;

AND WHEREAS the Council of the R.M. of Alexander deems it desirable to regulate the installation and use of outdoor fire pits and outdoor solid fuel appliances.

AND WHEREAS parts throughout Ward I of the R.M. of Alexander and in specified areas in Ward II as per attached schedule "A"

NOW THEREFORE, The Rural Municipality of Alexander, in Council duly assembled, enacts as follows:

1. No person shall set or start an outdoor fire within Ward I of the R.M. of Alexander and Ward II as specified on schedule A, unless it is done so in a fire-pit, or outdoor solid fuel appliances constructed and used in accordance with this By-law.
2. Outdoor fire pits or outdoor solid fuel appliances may be constructed and used, for recreational purposes only, providing that:
 - a) the outdoor fire pit or outdoor solid fuel appliance shall be fully enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials;
 - b) The outdoor fire pit does not exceed eighteen (18) inches in height when measured from the bottom of the pit to the top of the pit opening and is at least six (6) inches in height when measured from the surrounding grade to the top of the pit opening.
 - c) The outdoor fire pit or outdoor solid fuel appliance opening does not exceed 2.5 feet in diameter or an area of six (6) ft whereby the width or length is not greater than 2.5 feet.
 - d) The outdoor fire pit or outdoor solid fuel appliance shall be located on a flat, level, and noncombustible base and clear of overhangs, such as roofs, tree branches, or utility wires.
 - e) (a) A spark arrestor, grill or mesh with openings no larger than " ½ x ½ " and constructed of a noncombustible material is used to cover the entire area of the outdoor fire pit;
(b) The outdoor fuel chimney shall be equipped with a noncombustible spark arrestor with openings no larger than " ½ x ½ " and cover the entire area of the chimney opening;
 - f) A minimum clearance of 10 feet or 3 meters measured from the nearest fire pit edge is maintained from any structures, or any combustibles (i.e. fences, trees, hydro poles and property lines;

- g) Fires shall be supervised and attended at all times by an adult;
 - h) Fires in outdoor fire pits or outdoor solid fuel fired appliances are not permitted under severe wind conditions or when atmosphere or local circumstances make such fires hazardous;
 - i) Only clean, dry wood or briquettes can be burned in outdoor fire pits and outdoor solid fuel appliances. Fires cannot be used to burn garbage, rubbish, debris, previously painted or treated wood and any fuel which when burned, may result in the release of dense smoke, or offensive odours;
 - j) A means of extinguishment such as a portable fire extinguisher or garden hose shall be available on site. Fires must be extinguished before leaving the site;
 - k) All fires must be limited in size so that they can be readily controlled;
 - l) Nothing in this By-law permits or authorizes a person to use a fire pit in a manner that creates a nuisance to any other person.
3. Any person who contravenes a provision of this by-law is committing an offence and liable on conviction to payment of a fine of not less than:
- a) one hundred dollars (\$100.00) for the first offence;
 - b) two hundred dollars (\$200.00) for the second offence;
 - c) three hundred dollars (\$300.00) for the third offence; and
 - d) five hundred dollars (\$500.00) for each subsequent offence.
4. All fines and cost imposed on a prosecution under this By-law, are a debt owed by the person who set a fire and the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in a court of competent jurisdiction or may be collected by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.

DONE AND PASSED as a by-law of the Rural Municipality of Alexander in Council duly assembled at St. Georges, Manitoba this 21st day of April 2005.

Original Signed by George Harbottle

Reeve

Original Signed by Margaret Bonekamp

Chief Administrative Officer

READ A FIRST TIME THIS	7 th	day of June	A.D. 2004
READ A SECOND TIME THIS	21 st	day of April	A.D. 2005
READ A THIRD TIME THIS	21 st	day of April	A.D. 2005