

THE LOCAL GOVERNMENT DISTRICT OF MYSTERY LAKE

By-Law No. 687/25

Being a By-law for the prevention and the control of wildland fires within the Local Government District (LGD) of Mystery Lake.

WHEREAS Section 232(1) of *The Municipal Act* provides that 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...
- (i) preventing and fighting fires
- (o) the enforcement of by-laws

AND WHEREAS Section 232(2) of *The Municipal Act* provides that a Council, without limiting the generality of subsection (1) may pass a by-law to:

- (a) regulate and prohibit.

AND WHEREAS, subsection 5(1) of *The Local Government Districts Act* provides that a Local Government District has the rights, power, duties and liabilities of any municipality under *The Municipal Act*.

AND WHEREAS subsection 5(2.1) of *The Local Government Districts Act* provides that ...the Resident Administrator may carry out the powers and duties under subsection (1).

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 LGD of Mystery Lake.

NOW THEREFORE, the Resident Administrator of the LGD of Mystery Lake enacts the follows:

1. Definitions:

Bonfire / campfire: a large open-air fire that is kindled by dry firewood.

Typically used as part of a social activity, for cooking, or for warmth, and includes fire pits and solid fuel appliances.

Barbeque: used for cooking outdoors and includes portable grills, smokers, wood stoves and pellet stoves.

Officer: for the purposes of *The Wildfires Act*, the Resident Administrator of the LGD is appointed as a fire guardian.

Open burning: the outdoor burning of combustible material where smoke is allowed to discharge into the open area from the ground, excluding a bonfire.

Outdoor Fire: a fire that is started outdoors including crop residue burning, land clearing, grass burning.

Yard waste burning: the outdoor burning of branches, leaves and garden vegetation.

Waste burning: the burning in the open of tires, plastics, rubber, oil products, manure and other refuse.

Wildfire Season: the period in each year commencing on April 1st and ending on November 15th.

2. Burning

THAT all burning within the LGD of Mystery Lake shall be subject to the conditions and provisions of *The Wildfires Act*, and the *Manitoba Crop Burning Residue Burning Regulation – MR 77/93*.

THAT Any **Outdoor Fire** shall be supervised by the owner or occupier of the land or a person authorized by the owner or occupier of the land. And

- a) No person shall start an Outdoor Fire on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire.
- b) No person shall start an Outdoor Fire unless all precautions are taken to ensure that the fire can be kept under control, or when weather conditions are conducive to a fire burning out of control.
- c) No person shall cause an Outdoor Fire to be started in order to guard property; clear land or burn debris; burn crop, stubble or grass; unless the land on which the fire is started is completely surrounded by a fire guard consisting of:
 - i) a strip of land free of flammable material, or of sufficient width to control the fire
 - ii) by natural or man-made barriers, water, or iii) by a combination of (i) and (ii).
- e) The smoke from an Outdoor Fire shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
- f) A sufficient water supply and means of fire suppression capable of extinguishing the Outdoor Fire based on its fuel loading and size shall be available on site.
- g) All fires must be extinguished when unsupervised.

3. Burning Ban

THAT the Resident Administrator of the LGD of Mystery Lake may, at their discretion, ban **ALL BURNING** (including bonfires, campfires, barbeques and outdoor fires) in the LGD of Mystery Lake if conditions exist where, in the opinion of the Administrator, fires are of extremely high risk, and such a ban would prevent wildfires from occurring.

4. Offense and Penalties

- a) **THAT** a contravention to any provisions of this By-law is an offense and conviction of an offence is subject to a penalty of not less than \$500.00 or not more than \$1,000.00.
- b) **THAT** a person who is in contravention under this By-law, in addition to imposing a fine, the LGD is entitled to be reimbursed by the person(s) for costs incurred by the LGD in fire protection and suppression operations that were undertaken as a result of the person(s) acts or omissions that resulted in the costs to be incurred.

DONE AND PASSED as a By-law of The Local Government District of Mystery Lake, at Brandon in the Province of Manitoba on this the 10th day of June, 2025.



 Wendy Wolfe, CPA, CGA, CMMA
 Resident Administrator