

**TOWN OF CARMAN  
BY-LAW NO. 98/1817**

**BEING a by-law of the Town of Carman providing for  
the regulating and prohibiting of open fires.**

**WHEREAS** Section 232(1) of The Municipal Act provides, in part,

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;
- (c) subject to section 233, activities or things in or on private property;
- (i) preventing and fighting fires;

**AND WHEREAS** Section 232(2) of The Municipal Act provides, in part,

Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;

**AND WHEREAS** Section 233 of The Municipal Act provides, in part,

A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

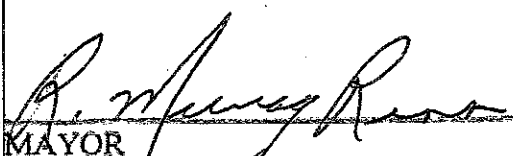
- (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odors, unsightly property, fumes and vibrations.

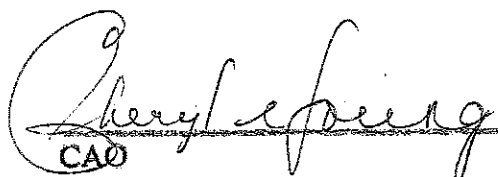
**AND WHEREAS** the Council of the Town of Carman deems it expedient and in the best interests of the citizens of the Town of Carman to pass regulations for the prevention and suppression of fires in the Town;

**NOW THEREFORE** the Council of the Town of Carman, in regular Council assembled, enacts as follows:

1. **THAT** all fires be **prohibited** within the boundaries of the Town of Carman for the burning of leaves, straw, stubble, garden and other refuse, on the surface of the ground, in pits, barrels or other unapproved containers/incinerators.
2. **THAT** wood may be burnt, on the surface ground, under continuous adult supervision, without a Special Burning Permit.
3. **THAT** the operation of enclosed incinerators that comply with the Manitoba Building Code are permitted.
4. **THAT** campfires and pit barbecues are permitted only when attended by an adult. When unattended, the said campfire or pit barbecue must be completely extinguished.
5. **THAT** under special circumstances, the Council of the Town of Carman may issue a Special Burning Permit, subject to the conditions set out thereon, and subject to consultation with the Town Office.
6. **THAT** a nuisance shall deemed to be created with the following circumstances and any permitted use in this by-law is subject to the conditions that
  - (a) any smoke that is emitted by any fires shall not be allowed to enter into the house or building of an adjacent property owner causing a nuisance to the other property owner.
  - (b) that any fire shall not interfere, to a significant extent, with adjacent property owner's use and enjoyment of their outdoor property by causing smoke to move across the adjacent property owner's property.
  - (c) any emission of smoke that may affect the health of the adjacent property owner.
7. **THAT** any person, persons or corporation found violating any provisions of this by-law, shall be fined a sum of \$100.00 plus costs, or upon conviction before a Provincial Court Judge or Justice of the Peace, be liable for a penalty of not less than \$50.00 nor more than \$1,000.00, plus costs. In default of payment thereof, that person may be imprisoned in the common goal for a period not exceeding 90 days, unless the said penalty and costs are sooner paid.
8. **THAT** this By-law shall come into effect upon the passing thereof.

**DONE AND PASSED** by the Council of the Town of Carman, duly assembled at the Town of Carman, this 28th day of May, A.D. 1998.

  
MAYOR

  
CAO

Read a first time this 9th day of April, A.D. 1998.

Read a second time this 28th day of May, A.D. 1998.

Read a third time this 28th day of May, A.D. 1998.

**TOWN OF CARMAN  
SPECIAL BURNING PERMIT**

**NAME OF APPLICANT** \_\_\_\_\_

**NAME OF COMPANY REPRESENTED (if any)** \_\_\_\_\_

**STREET ADDRESS** \_\_\_\_\_

**PHONE NUMBER** \_\_\_\_\_

**LOCATION OF PROPOSED FIRE** \_\_\_\_\_

**DURATION OF FIRE FROM** \_\_\_\_\_ **TO** \_\_\_\_\_

**TYPE OF MATERIAL TO BE BURNED** \_\_\_\_\_

**AMOUNT OF MATERIAL TO BE BURNED** \_\_\_\_\_

**DIRECTION OF WIND AT TIME OF FIRE** \_\_\_\_\_

**FIRE WILL BE EXTINGUISHED BY (TIME)** \_\_\_\_\_

If approved, I assume all liability for actions resulting from the above described fire and hold the Town of Carman blameless for any and all liability in this matter. I further agree to burn in accordance with direction given by the Town and to extinguish same immediately upon request.

\_\_\_\_\_  
**Signature of Applicant** **Date**

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**APPROVED IN THE TOWN OF CARMAN BY:**

\_\_\_\_\_  
**DATE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**CONDITIONS:** \_\_\_\_\_

The Town of Carman reserves the right to cancel or revoke this permit at any time, at its discretion.