

The Corporation of the Township of McMurrich/Monteith

BY-LAW # 14 - 2017

Being a By-law to regulate the setting of fires and precautions to be taken to prevent the spreading thereof.

WHEREAS pursuant to section 7 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, Council may pass by-laws to regulate outdoor burning within the Municipality of McMurrich/Monteith;

WHEREAS the Fire Prevention and Protection Act, S.O.1997 provides that the Chief Fire Official is required to approve open air burning and appropriate fire safety provisions;

WHEREAS section 130 of the Municipal Act, S.O. 2001. As amended, provides that a Council may regulate matters related to health, safety and the well being of the inhabitants of the Municipality;

And WHEREAS Section 129 of the Municipal Act, S.O. 2001, as amended provides that council can prohibit and regulate open air burning that it deems to be a public nuisance.

WHEREAS the Council of the Township of McMurrich/Monteith deems it necessary to Repeal By-law 03-2003 which regulates open air burning.

NOW THEREFORE the Council of the Township of McMurrich/Monteith enacts as follows:

DEFINITIONS:

“Campfire” means a small fire set for a purpose. Can be best described as a fire no greater than 1 metre by 1 metre by 1 meter high;

“Chief Fire Official” means the Fire Chief or as defined in the in the Fire Protection and Prevention Act or Designate;

“Fire Ban” means a complete ban of all open fires. A fire ban is enacted by the Chief Fire Official or Designate within the Municipality by the authority of the Fire Protection and Prevention Act;

“Fire Department” means the McMurrich/Monteith Fire Department;

“Fire Permit” means a document issued to a person wishing to open air burn;

“Fire Season” means April 1st to October 31st of each year;

“Fireworks” means consumer fireworks as defined in the Townships Fireworks By-Law;

“Municipality” means The Township of McMurrich/Monteith;

“Open Air Burning” means fires that are set outdoors and are not contained in the confines of a cooking device; fires that are set for the purpose of disposing of clean wood debris, including fires set in outside incinerators; Open air fires cannot be more

than 2 metres in diameter by 2 metres high; and Open air fire does not include campfire set for the purpose of cooking;

“Person” includes an individual, association, firm, partnership, or corporation;

“Yard Waste” includes but is not limited to grass, leaves, brush trimmings, spent flowers, garden plants, weeds, pine needles, hay, straw and sawdust.

REGULATION OF OUTDOOR FIRES:

- 1.1 No person shall set a fire out of doors in the restricted time of 8:00 a.m. and 6:00 p.m. during the months of April, May, June, July, August, September and October in each year.
- 1.2 No person shall start a fire outdoors without a valid fire permit, for any purpose other than cooking or obtaining warmth.
- 1.3 A person who has obtained a fire permit shall:
 - a. Burn material limited to wood or wood by-products;
 - b. Situate the fire at least 10 metres from any building, vegetation or adjacent property;
 - c. Not permit more than one (1) cubic metre of material to be burned at any time;
 - d. Ensure that he/she has adequate tools and water to contain the fire;
 - e. Be in constant attendance during the fire, or have another responsible adult remain until the fire has been thoroughly extinguished.
- 2.1 No person shall allow a fire to continue to burn if the fire causes:
 - a. a decrease in visibility on any highway or roadway;
 - b. inconvenience or irritation to others.
- 3.1 All persons setting a fire outdoors in the Township of McMurrich/Monteith shall:
 - a. be responsible for any damage to property or injury to persons occasioned by the said fire;
 - b. be liable for the cost incurred by the fire department including personnel, equipment and apparatus necessary and called to extinguish the said fire, as set out in Schedule “B” of this By-law.
- 4.1 No person shall ignite a fire or allow fire to remain burning in a time of high winds.
- 4.2 No person shall ignite a fire or allow fire to remain burning in a fire ban.
- 5.1 The Fire Chief or his designate is authorized to order any person to extinguish any fire when there is a breach in any provision of this By-law or when, in his opinion, there is a danger to life or property.
- 5.2 Where the person does not comply to the directive to extinguish the fire, the Fire Chief, Chief Fire Official, Officers, his Firefighters, Fire Trucks and

any other Fire Equipment may enter upon the land where the fire is burning to extinguish the fire.

- 5.3 Upon the Fire Department attending to extinguish the fire, whether it has since been extinguished or not, the owner will be responsible to pay fees. The minimum fee shall be \$300.00. The maximum fee shall be determined by the Fire Official based on the actual costs incurred to extinguish the fire, see Schedule "B".

INCINERATORS

- 6.1 No person shall use an incinerator except in compliance with the following conditions:
- a. Follow the conditions and times set out in "Regulations of Outdoor Fires";
 - b. Burn only wood or wood by-products;
 - c. Ensure that the incinerator is an enclosed device constructed entirely of non-combustible materials;
 - d. The incinerator is at least 5 metres from any forest or woodland;
 - e. The incinerator is at least 2 metres from any flammable material;
 - f. The outlet of the incinerator is covered with a screen having a mesh size of not more than 5 millimetres;
 - g. Ensure that a responsible person monitors the fire until it is extinguished.
 - h. Ensure that a water source is nearby and available if required.

FIRES FOR COOKING AND OBTAINING WARMTH

- 7.1 Except in an Extreme or Total Fire Ban, a person may start a fire outdoors during the Fire Season without a permit for cooking and/or warmth if:
- a. the site of the fire is bare rock or non-combustible materials;
 - b. the fire is at least 2 metres from any flammable material;
 - c. the fire does not exceed one metre in height and one metre in diameter and;
 - d. the space above the one metre area must be free of combustible materials.

FIRE PERMITS

- 8.1 Any person setting a fire in an incinerator in the Township of McMurrich/Monteith shall:
- a. Apply annually for a burning permit.
 - b. Have Incinerator approved by the Fire Chief or his designate.
 - c. Abide by the conditions set out in this By-law;
 - d. Not burn any material during a Fire Ban imposed by the Fire Chief/designate or in a Restricted Fire Zone imposed by the MNR.
- 8.2 Permits for setting a fire outdoors can be obtained at the Municipal Office or a designated permit issuer. Permits issued can be purchased for a six-day consecutive period or for the Fire Season.

8.3 The cost of obtaining a permit shall be as set out in the Township's Fee Schedule By-law, as amended.

8.4 A Fire Permit may be cancelled or suspended at any time by the Fire Chief or his Designate. Upon receiving notice of the permit suspension, the fire shall be extinguished immediately.

8.5 A person to whom a Fire Permit is issued shall keep it at the location of the activity authorized by the Permit.

8.6 All Fire Permits will be cancelled when the Fire Hazard Condition reaches High, Extreme (Fire Ban), or a Restricted Fire Zone is imposed by the MNR.

SPECIAL APPROVALS

9.1 Notwithstanding the provisions of this By-law, the Municipal Fire Chief may approve an outdoor fire and issue a Fire Permit therefore subject to such terms and conditions as the Municipal Fire Chief deems appropriate. Fees and conditions to be determined at that time.

PENALTY PROVISIONS

10.1 a) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.

b) Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "A" of this Bylaw.

SEVERABILITY

11. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

READ A FIRST time this 1st day May, 2017.

READ A SECOND and THIRD time, PASSED, SIGNED and SEALED this 1st day of May, 2017.

Reeve

Clerk/Treasurer

Corporation of the Township of McMurrich/Monteith

SCHEDULE "A"

Bylaw 14 - 2017: OPEN AIR BURNING

SET FINE AMOUNTS

Provincial Offences Act – Part 1

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Set a fire out of doors in the restricted time	1.1	\$300.00
2	Start a fire outdoors without a valid fire permit	1.2	\$300.00
3	Fail to burn material limited to wood or wood by-products	1.3(a)	\$300.00
4	Fail to be in constant attendance during fire	1.3(e)	\$300.00
5	Ignite a fire or allow fire to remain burning in a time of high winds	4.1	\$300.00
6	Ignite a fire or allow fire to remain burning in a fire ban	4.2	\$300.00
7	Fail to ensure incinerator is an enclosed device of non-combustible materials	6.1(c)	\$300.00

Note: The general penalty provision for the offences indicated above is Section 10.1 of the by-law 14-2017 as amended; a certified copy has been filed.

Corporation of the Township of McMurrich/Monteith

SCHEDULE "B"

Bylaw 14 - 2017: OPEN AIR BURNING

EMERGENCY FIRE FIGHTING SERVICE CHARGES

Emergency Fire Fighting Service Charges:

1	\$300.00	For each Fire Department vehicle attending for the first hour or part thereof
2	\$120.00	For each Fire Department vehicle attending for every additional half hour, or part thereof
3	\$300.00	For responding to a call where services are not required.