

TOWN OF RAINY RIVER

BY-LAW NO. 1626-15

Being a by-law to control and regulate open air burning including to prescribe the time during which fires may be set in the open air, the precautions to be observed by persons setting fires, the requirement for fire permits and the fee for fire permits.

WHEREAS the Council of the Corporation of the Town of Rainy River is empowered AND WHEREAS Council is empowered under the Municipal Act, 2001, S.O. 2001, c. 25, s. 128, as amended, to pass by-laws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are, or could become or cause public nuisances;

AND WHEREAS the Act and O. Reg. 213/07, the Ontario Fire Code, at s.2.4.4.4, provides that open air burning shall not be permitted unless approved, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue.

NOW THEREFORE Council for the Corporation of the Town of Rainy River HEREBY ENACTS as follows:

1 - DEFINITIONS

For purposes of this by-law the following definitions shall apply:

"Application form" means the document in the format approved by the Chief Fire Official and made available by the West Rainy River District Fire Service to a person for purposes of applying for a fire permit pursuant to this by-law.

"Approved" means approved by the Chief Fire Official or designate.

"Approved burn products" means clean dry wood or standing dead grass

"Chief Fire Official" means the Fire Chief of the West Rainy River District Fire Service or his/her designate.

"Firefighter" includes all of the members of the West Rainy River District Fire Service, including the Fire Chief.

"Gas" means natural gas or bottled gas such as propane or butane.

"Officer" means a by-law enforcement officer, fire fighter, or police officer.

"Open air" means any open place, yard, field or construction area which is not enclosed by a building or structure.

"Open air burning" means any fire, portion of fire or precursor conditions that are not wholly contained and thereby open to air.

"Outdoor Fireplace" means a manufactured non-combustible enclosed container designed to hold a small fire for recreational purposes and the size of which is not larger than 1 meter in any direction, and may include, but is not limited to, chimineas. Only the combustion chamber should be evaluated in determining size of container.

"Town" means The Corporation of the Town of Rainy River

2 - ADMINISTRATION

- 2.1 This by-law shall be administered by the Chief Fire Official and shall be enforced by the Chief Fire Official, the Ontario Provincial Police and the Town's By-law Enforcement Officers.

ANNUAL RECREATIONAL FIRES

3 - WHERE PERMIT NOT REQUIRED

- 3.1 A charcoal or gas barbeque or other gas fired appliances which have CSA/CGA approval, supervised at all times, shall not require a fire permit for the purposes of this bylaw.

4 - WHERE PERMIT IS REQUIRED

- 4.1 A small confined fire used for recreational purposes, less than one metre (39 inches) in diameter, less than one metre (39 inches) in height, and supervised at all times. These fires must be confined in a fire pit or fire ring. Either homemade or manufactured construction is acceptable.
- 4.2 Outdoor Fireplace with dimensions less than one metre (39 inches) in diameter, less than one metre (39 inches) in height, and supervised at all times, shall require a permit for the purposes of this bylaw. These items must be located on a non-combustible surface extending beyond the unit to a dimension equal to the height of the unit.
- 4.3 Persons burning for recreational purposes are exempted from the time limitations defined in section 8.6 of this bylaw.
- 4.4 All fires must be built using clean dry wood and uncontaminated materials. Construction products and waste materials cannot be used as a fuel source for fires and must be disposed of in the landfill. Commercial fire logs are also an acceptable fuel source.
- 4.5 Screens are required to cover all open air burning devices allowed by this by-law. The screens shall be of sufficient size as to prevent the escape of embers.
- 4.6 The West Rainy River District Fire Service shall be exempt from the provisions of this by-law with respect to open air burnings set for the purpose of educating, training, and risk reduction.
- 4.7 Permits will be issued on an annual basis coinciding with the calendar year.

5 - REQUIREMENT FOR PERMIT, APPLICATION AND FEE

- 5.1 No person(s) or owner(s) of land shall set a fire or allow the setting of a fire, or having set or allowed the setting of a fire, allow a fire to continue to burn without first having obtained a fire permit from the Chief Fire Official, and in accordance with the provisions of the said permit and this by-law.
- 5.2 No person shall set a fire or allow a fire to burn on any land of which he/she is not the registered owner without the written permission of the registered owner.
- 5.2.1. Where an open air fire burning permit, pursuant to this by-law has been issued, the applicant and the registered owner of the property shall jointly and severally be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting a fire to burn.
- 5.3 Any person is entitled to a fire permit under this by-law who:

- 5.3.1. Completes the application form and submits same to the Rainy River Municipal Office, at least forty-eight (48) hours in advance of the setting of an open-air fire that requires a site inspection. The application form shall be submitted to the West Rainy River District Fire Service. The applicant shall provide in the application form information indicating that he or she shall comply with the provisions of this by-law; and
- 5.3.2 Pays the fee for the fire permit, and an additional fee for a site inspection if required by the Chief Fire Official or designate.
- 5.3.3. Receives approval from the Chief Fire Official to conduct the burn as described in the permit.
- 5.4 The fee for the issuance of a fire permit and the fee for a site inspection shall be as set out in the Town of Rainy River current schedule of fees.

6 - REVOCATION, SUSPENSION

- 6.1 A fire permit may be cancelled or suspended at any time by the Chief Fire Official. Immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire started pursuant to the permit.
- 6.2 The Chief Fire Official or designate may at his or her discretion issue a fire ban for the Town of Rainy River at which time all open air burning shall be prohibited.

OPEN AIR BURNING

7 - BURNING REQUIREMENTS

- 7.1 Where a fire permit has been issued pursuant to this by-law the applicant and the owner of the lands on which the fire is set shall be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting the fire to burn and they shall insure that a competent person of at least 16 years of age is present at all times that the fire is burning.
- 7.2 Unless otherwise approved by the Chief Fire Official, not more than 1.5 cubic metres (5ft) of piled material may be burned at any one time.
- 7.3 Only clean dry wood or standing dead grass is burned.
- 7.4 The fire pile must be separated by 3m (10 ft) from any hedge, fence, vehicular roadway, overhead wire, or combustible of any kind. A minimum of 4 metres (14 ft) of separation must be maintained from any structure.
- 7.5 When burning grass, not more than 0.4 of a hectare can be ignited at any one time. If the fire line exceeds 30 metres it must be extinguished to less than that threshold.
- 7.6 The fire is attended at all times by a competent person of at least 16 years of age until it is completely extinguished.
- 7.7 Sufficient equipment and resources must be available at the burn site to extinguish the fire if the fire gets out of control or is causing any adverse effect including those set out in Section 7 of this by-law.
- 7.8 At the end of the burn, the fire must be completely extinguished prior to the applicant and the owner leaving the burn site.

- 7.9 Residual components of a burn that are not consumed by fire are removed, and the burn area cleared or returned to its natural condition within two weeks of fire extinguishment.

8 - CONDITIONS OF PERMIT

- 8.1 Where a fire permit is issued, no person shall:
- 8.2 Burn any materials that are normally collected under the Town's garbage, or recycling collection programs.
- 8.2.1. Materials prohibited for burning include, but are not limited to, industrial materials, such as automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics, shingles, drywall, insulation, painted or treated wood, and other materials whose contents includes any of the above, and shall include animal husbandry refuse, such as animal fecal deposits or manure and animal carcasses and shall include domestic waste such as food scraps, household plastics and shall include flammable or combustible liquids or accelerants.
- 8.3 Set a fire or allow a fire to burn when the wind is in such a direction or of such intensity so as to reduce the visibility on any roadway or cause danger to any person or structure:
- 8.4 Set a fire or allow a fire to burn when the Ministry of Natural Resources has issued a fire ban for the region.
- 8.5 Set a fire or allow a fire to burn when the Chief Fire Official has issued a fire ban in the community or suspended the fire permits in the community.
- 8.6 Set a fire or allow a fire to burn other than between 7 pm and 7 am, unless otherwise expressly permitted by the Chief Fire Official.
- 8.7 Set a fire or allow a fire to burn without first having confirmed that the materials to be burned meet the requirements of this By-Law, and that they do not include waste or contaminated materials.
- 8.8 Set a fire in a manner that creates a nuisance or causes a disturbance.
- 8.9 Set a fire without having a portable fire extinguisher, operable garden hose, or other extinguishing materials available while the fire is burning.
- 8.10 In the event that a property owner is repetitively not complying with the provisions of the By-law, the Chief Fire Official or his/her designate may charge the cost of responding to the incident to the property owner. The current cost would be \$350.00 per response.

9 - OFFENCES AND ENFORCEMENT

- 9.1 A person is guilty of an offence if the person:
- 9.1.1. Furnishes false information in the Application for a Permit.
- 9.1.2. Contravenes any provision of this by-law.
- 9.1.3. Fails to produce a permit when requested by an officer as defined by this bylaw.
- 9.2 Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction shall be liable to the penalties imposed

pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990 Chapter P.33, as amended.

9.2.1. Notwithstanding the offence provisions of this by-law, any person who contravenes Section 2,6,3 of the Ontario Fire Code may be prosecuted in accordance with Section 28 of the Fire Protection and Prevention Act, 1997.

9.3 The Chief Fire Official or designate may revoke a permit if the permit holder fails to comply with the requirements of the permit and/or any other provision of this bylaw.

9.3.1. Upon revocation, the permit holder or owner must immediately extinguish the fire or the fire service may extinguish the fire with all costs incurred being recoverable from the property owner or permit holder.

9.4 The Chief Fire Official or designate may order a fire to be extinguished immediately if the fire:

9.4.1. Is not set in compliance with this by-law.

9.4.2. Is determined upon inspection by the Chief Fire Official or an Officer to constitute a safety hazard or concern.

9.4.3. Upon order to extinguish, the permit holder or owner must immediately extinguish the fire or the fire service may extinguish the fire with all costs incurred being recoverable from the property owner or permit holder.

9.4.4. For an uncontrolled fire the applicant and the registered owner of the property shall be liable for costs incurred by the Fire Department, at a rate of \$350.00 per hour.

9.4.5. If any person fails to pay the fees set above [Section 8.4.4], forthwith upon demand, the amount of the fee in default may, in addition to any other remedies Rainy River may have, be recovered by the Corporation of the Township of Rainy River in like manner as municipal taxes in accordance with Section 398(2)2 of the Municipal Act S.O. 2001, c.25, against the owner of the land, if the owner set the fire, allowed the fire to burn, or permitted the fire to be set or to burn, in violation of the By-Law or any permit issued under this By-law.

10 - SEVERABILITY

10.1 Should any section or subsection of this by-law or any part or parts thereof be found by law to be illegal or beyond the power of the Council to enact, such section or subsection or part or parts thereof shall be deemed to be severable so that the remainder of this by-law shall continue in force.

11 - EFFECTIVE DATE

11.1 This by-law shall come into force and take effect on January 1, 2016.

12 - SHORT TITLE

12.1 This by-law shall be known as the "Burning By-law."

READ THREE TIMES and finally passed in open Council this 14th day of December, 2015.

Deb Ewald, Mayor

Veldron Vogan, CAO

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Town of Rainy River

201 ATWOOD AVENUE,
P.O. BOX 488
RAINY RIVER, ONTARIO P0W 1L0

Burn Permit By-Law 1626-15

Name of Applicant: _____ Phone # _____

Street Address: _____ Owner of Property Yes No

Signature of Owner Granting Permission: _____
(If applicant is not the owner)

Location of open burn if different from above: _____

Type of Extinguishments on Location: "A" Extinguisher Garden Hose
Other: _____

Appliance Type: Chimenea Fire Bowl
Outdoor Fireplace Other (please specify) _____

Installed by: _____ On: _____

Renewal: Has your appliance changed location? Yes No

Permit Type (please circle one): Annual Daily/Open Air-Date: _____

The applicant agrees to comply with the provisions of the Open Air Burning By-Law and agrees to assume all responsibility for any damages occurring from the fire for which this permit is issued.

Payment is due upon issue of the permit, cheque or cash only, if applicable. Wind must be less than 16 km. No burning between 7:00 a.m. and 7:00 p.m (Recreational permits are exempt from time constraints). Annual permits are effective for the current calendar year.

Signature of Applicant

Chief Fire Official

Date of Issue