

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 562-2002

Being a by-law to amend By-law Number 540-2001, to provide for the regulation of open air burning of materials and to govern of fire permits.

WHEREAS Section 210(35) of the Municipal Act, R.S.O. 1990, Chapter M.45 as amended, provides that Council may pass by-laws prescribing the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires;

AND WHEREAS Section 210(49) of the Municipal Act, R.S.O. 1990, Chapter M.45 as amended, provides that Council may make such regulations as it considers necessary for preventing fires and the spread of fires;

AND WHEREAS Section 326 of the Municipal Act, R.S.O. 1990, Chapter M.45 as amended, authorizes the municipality to recover the expense incurred by it in taking any action to do what another person has been directed or required to do by by-law;

AND WHEREAS Section 14(1) of the Forest Fire Prevention Act, R.S.O. 1990, Chapter F.24 as amended, provides that an officer may cancel or suspend a fire permit;

AND WHEREAS open air fires which may escape from control constitute a danger and expense for persons and property within the Corporation of the Municipality of Neebing;

AND WHEREAS the Council of the Corporation of the Municipality of Neebing deems it expedient to enact a by-law to regulate the open air burning of materials and to govern the issuance of fire permits.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY ENACTS AS FOLLOWS:

1. In this by-law:

- (a) "Brush piles" means branches, limbs, stumps or parts thereof.
- (b) "Chief Fire Official" means the Chief or Acting Chief of the Fire Department of the Corporation of the Municipality of Neebing or his/her designate.
- (c) "Conditions" relate to any factor which could increase the fire hazard such as wind velocity, degree of humidity, or proximity of the site to very flammable material.
- (d) "Corporation" means the Corporation of the Municipality of Neebing.
- (e) "Council" means the Council of the Corporation of the Municipality of Neebing.
- (f) "Debris" means surface litter (piled leaves, piled grass, needles) and combustible wood products.
- (g) "Field/Crop burning" means burning in whole or in part, of areas of agricultural land and products.
- (h) "Fire Department" means the Fire Department of the Corporation of the Municipality of Neebing.

1.
 - (i) "Fire Permit" means a form substantially similar to the form attached as Schedule A to this by-law.
 - (j) "Fire Season" means the period from the 1st of April to the 31st day of October in each year. The Chief Fire Official may declare any period between the 1st day of November and the 31st day of March in any year, to be part of the fire season.
 - (k) "Incinerator" means container meeting the requirements as specified in Section 8 of this by-law.
 - (l) "Municipal Permit Issuer" shall mean the place that a person can obtain a burning permit.
 - (m) "Municipal Fire Warden" shall mean a person designated to issue permits and to administer the conditions of the said permit and shall have all the duties of a Fire Warden under the Forest Fire Prevention Act.
 - (n) "Officer" means Chief Fire Official for the Municipality, Municipal Fire Warden, Municipal By-law Officer, members of the Ontario Provincial Police, Assistants to the Fire Marshal and Conservation Officers of the Ministry of Natural Resources.
 - (o) "Peat" means soils with a minimum of thirty percent (30%) organic matter.
 - (p) "Windrows" means refuse and debris from land clearing, bulldozed into piles or rows, consisting of soil/gravel, trees, roots, stumps and brush.
2. Fire permits are required for all open air burning from April 1 to October 31 for:
 - (a) piled brush, on a daily basis
 - (b) fireworks, on a daily basis
 - (c) cooking and warmth, on a seasonal basis
 - (d) incinerator, on a seasonal basis
3. Open air burning will not be allowed during Fire Season (unless approved by the Chief Fire Official before starting) for:
 - (a) field/crop/grass burning
 - (b) slash piles
 - (d) windrows
4.
 - (a) Camp Fires shall be permitted during the fire season with a fire permit for cooking and warmth.
 - (b) Camp fires for cooking and warmth must be:
 - (i) Must be contained and supervised at all times, and adhere to the Forest Fire Prevention Act and Regulations in section 10 of this by-law.
 - (ii) for burning in an incinerator. (must be approved, non-combustible container meeting the Forest Fire Prevention Act and Regulations and Section 10 of this by-law)
 - (iii) All piled debris (must meet Forest Fire Prevention Act and Regulations)

5. Except under the authority of a fire permit, no person shall ignite fireworks during a fire season in or within 300 metres of a forest or woodland.
6. It is a condition of the fire permit that:
 - (a) The permittee shall be present at the site of the burning operations at all times, conducted under the permit and shall not be impaired, and must be at sixteen (16) years of age.
 - (b) The permittee shall have the permit on site while burning operations are being conducted and shall produce the permit to any Officer as per Section 1(n) as requested by the Officer
 - (c) The permittee assumes full responsibility for the burning operation conducted under the permit.
7. The cost of such permit to be not less than \$5.00 and not more than \$15.00 except for yearly cooking and incinerator permits where there will be no charge for said permits.
8.
 - (a) Subject to Section 4, permits are valid from two hours before sunset and until two hours after sunrise. All fires must be extinguished two hours after sunrise.
 - (b) Fire permits are not valid if the wind velocity is greater than 15 kilometers or if winds are forecasted to be greater than fifteen (15) kilometers per hour.
 - (c) All other open burning must be authorized by the Chief Fire Official; this will include prescribed fire as per the Ministry of Natural Resources or other Ministries/Agencies.
9. Under a Fire Permit every person who starts a fire outdoors shall,
 - (a) ensure that all conditions will allow the fire to burn safely from start to extinguishment;
 - (b) take all necessary steps to keep the fire under control;
 - (c) extinguish the fire before quitting the site;
 - (d) be present at the site of the fire at all times;
 - (e) extinguish the fire by the time specified in the fire permit.
10. No person shall operate an outdoor incinerator unless,
 - (a) the incinerator is an enclosed device constructed entirely of non-combustible material;
 - (b) the incinerator is at least five (5) metres from any forest or woodlands;
 - (c) the incinerator is at least two (2) metres from any combustible materials; and
 - (d) the outlet of the incinerator is covered with a screen having mesh size of not more than five (5) millimetres.
11. An Officer has the authority to order any person to put out any fire where it poses a danger to life or property or in the Officer's opinion the permittee is not capable of controlling the fire or has insufficient fire suppression equipment.

12. An Officer as described in Section 1 (n) has the authority to enforce this by-law.
13. Where in the opinion of an Officer described in Section 1(n), a potential for fire danger exists, an Officer may suspend, refuse or rescind any permit.
14. Nothing in this by-law shall be deemed to authorize any burning or other act which contravenes the Environmental Protection Act R.S.O. 1990, Chapter E.19, the Ontario Fire Code, or Forest Fires Prevention Act, or any regulations made thereunder.
15. It is declared that if any section, subsection or part or parts thereof of this by-law be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereto are declared to be separate and independent and enacted as such.
16. The provisions of this by-law shall apply to the whole of the Corporation of the Municipality of Neebing.
17.
 - (a) Any fine imposed or offence created by this by-law related to any matter is subject to the provisions of the Provincial Offences Act.
 - (b) Any person who contravenes any provision of this by-law or any order made thereunder or any condition of a permit issued thereunder shall be liable for all damages to public and/or private property caused by the fire and shall also be liable for the full cost of extinguishing the fire.
 - (c) Any person who contravenes any provision of this by-law or any order made thereunder or any condition of a permit issued thereunder is guilty of an offence and may, upon conviction thereof, pay a penalty of not more than \$2,000 exclusive of costs.
18.
 - (a) All accounts rendered by the Corporation for services (including expenses by the Corporation) as referred to in Section 17, shall be paid within thirty (30) days of the billing.
 - (b) If payment is not made by the owner in accordance with the provisions of Section 18(a), the Corporation may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes.
19. All by-laws including 415-98; 457-1999 and 540-2001 or parts thereof and all or any resolutions of the Council of the Corporation of the Municipality of Neebing inconsistent with this by-law are hereby revoked.
20. This by-law comes into force and takes effect immediately upon the final passing thereof.

ENACTED AND PASSED IN COUNCIL this 6th day of March, 2002, as witnessed by the Corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE
MUNICIPALITY OF NEEBING

Mayor

Clerk

Read for a first time this 6th day of March, 2002.

Read for a second time this 6th day of March, 2002.

Read for a third time and finally passed this 6th day of March, 2002.