

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2018-017

**Being a by-law Prescribing times for setting Fires and
Precautions to be taken**

WHEREAS Section 9 of the Municipal Act, 2001, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act.

AND WHEREAS Section 10(2) of the Municipal Act, 2001, provides that a single-tier municipality may pass By-laws respecting: in paragraph 5, social and environmental well-being of the municipality; in paragraph 6, health, safety and well-being of persons; in paragraph 7, services and things that the municipality considers necessary or desirable for the public; and in paragraph 8, protection of persons and property;

AND WHEREAS Section 10(1) of the Municipal Act, 2001, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 7.1 (1) of the Fire Protection and Prevention Act 1997, S.O. 1997, c. 4, as amended, authorizes Council to pass a by-law for (a) regulating fire prevention, including the prevention of the spreading of fires; and (b) regulating the setting of open air fires, including establishing the time during which open air fires may be set.

AND WHEREAS Section 2.6.3.4. of the Ontario Regulation 213/07 of the Fire Code reads, "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 barbecue".

AND WHEREAS Section 391 of the Municipal Act, S.O. 2001, as amended, C. 25 provides that despite any Act, a municipality and a local board may pass by-laws imposing fees or charges on any class of person(s); (a) for services or activities provided or done by or on behalf of it; (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; (c) for the use of its property under its control;

AND FURTHER the Municipality desires to protect the people of the Township of Strong and their property from potential hazards.

NOW THEREFORE The Council for the Township of Strong hereby enacts as follows:

Definitions:

"FIRE DEPARTMENT" means the Sundridge Strong Fire Department.

Absolute Prohibition

1. No owner shall set a fire in open air or in a yard incinerator if the Sundridge Strong Fire Department or the Ministry of Natural Resources has declared a total fire ban due to atmospheric conditions or local circumstances make such fires hazardous.
2. No person shall set, maintain, or cause or permit to be maintained flying lanterns within the Township of Strong.

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2018-017

Being a by-law Prescribing times for setting Fires and
Precautions to be taken

General:

- 1) All persons setting an open air fire in the Township of Strong shall:
 - a) first obtain a fire permit from the Fire Chief, their designate or from the Municipal Office;
 - i) The Fire Permit shall be in three (3) copies
One copy to be retained by the Applicant
Second copy to submitted to the Fire Hall as soon after issuance as possible
Third Copy retained in the Permit Application Folder for two years plus one day after the issue date.
 - ii) A Fee of Five (\$5.00) shall be paid for the permit, and the said permit shall be in accordance with Schedule "A" attached hereto.
This permit fee does not include Incinerator Permits.
 - iii) Fire Permits shall be granted for a seven (7) days per permit.
 - b) be responsible for any damage to property or injury to person(s) occasioned by the said fire;
 - c) be liable for the costs incurred by the Fire Department including personnel, equipment and apparatus necessary and called to extinguish the said fire.
- 2) A farmer who intends to set or maintain a fire in the open air on a specific day for the disposal of vegetable matter or vegetation on farm lands which is normal and incidental for farming purposes shall request permission from the Fire Department to cover the period of the proposed fire and will be required to notify the Fire Department for each day of the proposed fire.

Burning Regulations:

OPEN AIR

1. No person shall set a fire without first obtaining a Fire Permit from the Fire Chief, their designate or the Municipal office.
2. No fires shall be set out of doors in the Township of Strong Two (2) hours **after sunrise** and Two (2) Hours **before sunset** from April 1 to October 31 in each year.
3. No person shall set a fire within **six (6) meters** of any dwelling and/or structure.
4. No person shall set any fire out of doors to burn any kitchen garbage, materials made of/or containing rubber, plastic, tar, polystyrene or any material prohibited by the Environmental Protection Act and any regulations hereto.
5. Without in any way limiting the prohibition set out in Section 3 above, only dry materials shall be burned in fires set out of doors.
6. No person shall set any fire out of doors except in the presence of a competent adult person and this person shall be in constant attendance of any burning operation as to prevent same from spreading to or endangering other property.
7. No person shall set a fire in an area where it may spread due to grass or other vegetation or in a strong wind.

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2018-017

Being a by-law Prescribing times for setting Fires and Precautions to be taken

8. No outside fire which causes inconvenience or irritation to others shall be permitted.
9. No open air fire shall be maintained when the wind is in such direction or intensity to as to cause any or all of the following:
 - a) Decrease in visibility on any highway or roadway;
 - b) A rapid spread of fire through grass or a brush area.
10. No person shall leave the site of a fire set out of doors in the Township of Strong without fully extinguishing the said fire.
11. Every person who starts a fire shall ensure that he/she has adequate tools and water to contain the fire.
12. A fire permit may be cancelled or suspended at any time by the Fire Chief or his designate and immediately upon receiving notice of such cancellation or suspension, the permit holder shall extinguish any fire started under the permit.
13. The Fire Chief may issue permits authorizing open air fires, at his or her sole discretion.
14. In issuing any permit, the Fire Chief may impose any additional requirements or exempt any conditions under Parts 3, 5, 6 and 7 of this By-Law as the Fire Chief considers necessary in the interest of public safety, or advisable in the circumstances, or to minimize inconvenience to the general public, or to give effect to the objects of this By-Law.
15. Notwithstanding any other provisions of this By-Law, the Fire Chief may issue a special fire permit to an applicant and approve any open-air fire subject to the fire being adequately supervised, and to any special conditions, the Fire Chief may direct. Failure to comply with any of the conditions of the special permit will render the permit invalid.

INCINERATOR:

1. "Incinerator" means an enclosed device used for burning and covered by a heavy steel screen mesh with opening less than 5 millimeters.
2. "Incinerator permits" shall be obtained from the Fire Chief or their designate.
3. Incinerator Permits shall be for a season beginning April 1 to October 31 of each year for a permit fee of \$ 50.00 annually.
4. No burning in a yard incinerator in the Township of Strong two (2) hours **after sunrise** and two (2) Hours **before sunset** from April 1 to October 31 in each year.

FIRES TO BE EXTINGUISHED

1. The Fire Chief or Designate is authorized to order any person to extinguish any fire or to cause such a fire to be extinguished when there is a breach of any of the provisions of this by-law or where, in their opinion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.
2. Where the person does not comply with the directive to extinguish the open fire, the Fire Chief, their fire fighters, fire trucks, and any other fire equipment may enter upon the land where the fire is burning to extinguish the fire.

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2018-017

**Being a by-law Prescribing times for setting Fires and
Precautions to be taken**

3) Upon the Fire Department attending to extinguish the open 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 Chief based on the actual costs incurred to extinguish the fire.

PENALTY

Every person who contravenes any provision of the By-law is guilty of an offence and may be charged in accordance with the terms of the Fire Protection and Prevention Act, 1997 and on conviction is liable to a fine as provided for in the Provincial Offences Act in addition to the fees set out above.

Should any section or provisions of the By-law be declared invalid such decision shall not affect the validity of the remaining portions of this By-law.

This By-law shall come into force upon final reading and passing thereof.

By-law 2011-022 shall be repealed.

AS READ A FIRST AND SECOND TIME THIS 10th DAY OF APRIL 2018

AS READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 10th DAY OF APRIL 2018.

Mayor, Christine Ellis

Clerk Administrator, Caitlin Haggart

CERTIFIED to be a true
copy of by-law 2018-017
enacted in open council
this 10th Day of April 2018
