

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2011-022

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

WHEREAS Part XV111, Section 475 7.1(1)(a), (b) of the Municipal Act, S.O. 2001, C. 25 as amended permits municipalities to pass By-laws for regulating the setting of open air fires, including establishing the times during which open air fires may be set in the Village of Sundridge including the prevention of the spreading of such fires.

AND WHEREAS Section 7.1 (1) of the Fire Protection and Prevention Act 1977, S.O. 1997, Chapter 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 Regulation 454 of the Fire Code reads, "Open Air Burning shall not be permitted unless approved by the Chief Fire Official, 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 WHEREAS 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

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.

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, his designate or from the Municipal Office.
 - i) The Fire Permit shall be in three (3) parts –
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.

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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, his 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 **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 5to 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.
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 persons 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.

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 his designate or the Municipal Office.
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.

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4. No burning in a yard incinerator except from 2 hours before sunset through the night to 2 hours after sunrise.

FIRES TO BE EXTINGUISHED

1. The Fire Chief of 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 his 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 to the directive to extinguish the open fire, the Chief Fire Official, his fire fighters, fire trucks, and any other fire equipment may enter upon the land where the fire is burning to extinguish the fire.

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 Official 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 2001-1421 shall be repealed.

**AS READ A FIRST AND SECOND TIME THIS 28th DAY OF JUNE 2011
AS READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS
28th DAY OF JUNE 2011.**

Mayor, Christine Ellis

Clerk/Treasurer, Linda Maurer

**Certified to be a true copy
Of the Original By-law 2011-22
Passed by Council
this 28TH day of June 2011**