

CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 07-2009

BEING A BY-LAW TO REGULATE THE SETTING OF FIRES AND PREVENT THE SPREADING OF FIRES AND ESTABLISH A FIRE PERMIT SYSTEM

WHEREAS, pursuant to Section 475 Subsection 7.1 of the Municipal Act, 2001, as amended, Council may pass By-Laws to establish regulations for preventing fires and the spread of fires,

AND WHEREAS the Ontario Fire Code provides for the prevention and control of open air burning,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA HEREBY ENACTS AS FOLLOWS:

1. No person shall set or maintain a fire in the open air without first having obtained a permit from the Township of East Garafraxa Municipal Office. The permit shall be as set out in a form, or substantially the same form, as Schedule A to this by-law.
2. The permit, as described in Section 1, must be produced upon request by the Fire Chief or his/her designate or a Municipal By-Law Enforcement Officer for the Township of East Garafraxa.
3. Permits issued under this By-Law shall be valid for the duration of the calendar year of issue.
4. Where a permit has been issued under Section 1, the permit holder shall comply with the following regulations:
 - a. The fire must be under constant supervision and control from the time of lighting until it is totally extinguished;
 - b. The fire must be located no closer than 15 metres (50 feet) from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind;
 - c. There must be a space free and clear of combustible material around the perimeter of such fire of at least 4.5 metres (15 feet);
 - d. A fire shall not be burned during periods of dry conditions or drought or when a prohibition has been declared pursuant to Section 9 of this by-law;
 - e. A fire shall not be burned when the wind velocity exceeds 16 k.p.h. (10 m.p.h.);
 - f. The dimension of a fire shall not exceed 3 metres (10 feet) in diameter for rural properties;
 - g. The dimension of a fire shall not exceed 1 metre (3 feet) in diameter or 2 metres (6 feet) in height for urban properties;
 - h. Only one fire on a property at any one time shall be burned;
 - i. A fire permit is issued only for the burning of wood (excluding wood treated with paint and/or preservatives), by-products of wood and vegetation in a controlled and responsible manner. The burning of tires, materials such as paint, asphalt material, chemical wastes or any other materials considered to create excessive smoke or any materials that the Ministry of the Environment states cannot be burned is prohibited;
 - j. All persons setting open fires shall be totally responsible and liable for any damage to property occasioned by the said fire, whether or not approval has been issued;
 - k. All persons setting open fires shall be liable for the cost of any fire fighting equipment and personnel necessary and called in to extinguish the said fire, if conditions of the permit are not complied with;
 - l. Any person obtaining a fire permit shall provide a municipal address, including lot, concession and emergency number or street name and house number, and nearest access road to where the fire is to be set. A fire permit will not be issued unless the emergency number or street number is posted and clearly visible from the road.

5. The Township may at their discretion, cancel or suspend a fire permit at any time and may ban the lighting of fires out of doors at any time. A permit holder shall extinguish any fire started under the permit and refrain from lighting fires out of doors during a ban;
6. This By-Law shall not apply to portable barbecue appliances.
7. In the event any person proposes to start or set a fire which is larger than the maximum size provided in Section 4 such person shall contact the Fire Chief, or his/her designate, to request a site inspection. If the Fire Chief or his/her designate deems it necessary to conduct an on site inspection, a fee as required by the Fire Chief shall apply. The Fire Chief or his/her designate may or may not authorize the fire to be ignited, subject to such conditions as the Fire Chief or his/her designate may impose, issued in writing. The person requesting permission for this authorization shall comply with all provisions of the permit.
8. Any fire authorized under this By-Law must not in any way cause discomfort, danger, irritation or create a nuisance for other residents of the Township of East Garafraxa and must comply with all relevant provisions of the Environmental Protection Act, R.S.O. 1990, Chapter E.19.
9. The Fire Chief or his/her designate is authorized to order any person to extinguish any fire or to cause such fire to be extinguished when there is a breach of any of the provisions of this By-Law or where, in his/her opinion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.
10. The Fire Chief or his/her designate may declare a total prohibition against outdoor burning when in his/her opinion atmospheric conditions or local circumstances make such fires hazardous and every person shall comply with such prohibition. All persons setting open air fires are responsible for phoning the Township of East Garafraxa office at 1-226-259-9400 or checking the Township website during dry periods or any time during the months of April and May to ensure a fire ban is not in effect.
11. The Fire Chief, Deputy Fire Chief, Assistant Deputy Chief and the Municipal By-Law Enforcement Officer appointed by the Township of East Garafraxa are hereby authorized to enforce the provisions of this By-Law pursuant to the Provincial Offences Act.
12. Every person who contravenes any section of this By-Law is guilty of an offence and upon conviction is liable to a fine of not more than \$2,000.00 as provided for in the Provincial Offences Act, R.S.O. 1990, as amended. Burning activities are also subject to the Ontario Fire Code which carries a \$25,000. fine and/or imprisonment for noncompliance.
13. Township of East Garafraxa Bylaw Number 14-81 is hereby repealed.
14. Should any section or sections of his by-law or any parts thereof be found by the law to be illegal, such section or sections thereof shall be deemed to be severable so that all sections of the by-law are separate and therefore enacted as such.
15. This By-Law shall take effect and come into force on the passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS **17th** DAY OF **FEBRUARY 2009.**

BY-LAW READ A THIRD TIME AND PASSED THIS **17th** DAY OF **FEBRUARY 2009.**

Allen Taylor

Susan M. Stone

HEAD OF COUNCIL

CLERK