

The Corporation of the Township of Wollaston

By-Law No. 53-19

A by-law for prescribing the time for setting fires in Wollaston Township and the precautions to be observed.

WHEREAS Section 8 of the Municipal Act, S.O. 2001, c. 25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 9 of the Municipal Act ,2001, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 7.1 (1) (b) of the Fire Protection and Prevention Act as amended, provides that councils of municipalities may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires.

NOW THEREFORE the Council of the Corporation of the Township of Wollaston **ENACTS AS FOLLOWS:**

SECTION 1 : DEFINITIONS

1. For the purpose of this By-Law:

COUNCIL: Shall mean the members of Council so elected in and for the Corporation of the Township of Wollaston.

BUILDING: Shall mean any structure composed of walls and a roof or any part or combination thereof which is used as shelter, accommodation, enclosure or storage containing humans, animals, equipment, goods or materials or a structural system housing any of the above.

FIRE: Shall mean any fire set out in open air for the purposes of burning wood or by-products of wood, vegetation, dead grass, brush, wood-based building materials, the clearing of land and or for the use of cooking or personal warmth.

FIRE BAN: Shall mean open fire is not permitted under any circumstances, even for cooking or warmth. Fireworks are also prohibited. This regulation does allow for the use of portable gas stoves.

FIRE CHIEF: Shall mean the Chief of the Wollaston Volunteer Fire Department, also CHIEF Fire Official under the Fire Marshall's Act or in the Fire Chief's absence, the Fire Chief's appointed designate.

MUNICIPAL LAW ENFORCEMENT OFFICER: Shall mean the officer(s) so appointed by the Corporation of the Township of Wollaston and those officers appointed as Fire Officers by the Ministry of Natural Resources authorities to enforce local by-laws including open air burning regulations as referenced by the Forest Fire Prevention Act and Ontario Regulation 207/96 (outdoor fires).

OWNER: Shall mean any person, firm, company or corporation of the property(s) under consideration and shall include the person(s) occupying property.

SECTION 2: GENERAL INFORMATION

1. For the purpose of this by-law.
 - a. Person or persons shall mean singular number or numbers of males, females or parties composed of either sexes or same sex parties.
 - b. Words interpreted, as singular shall also apply as a corresponding meaning when used in the plural.

SECTION 3: REQUIREMENTS

The provisions of the by-law apply to all land and areas designated as being within the legal boundaries of the Corporation of the Township of Wollaston.

1. There is no day burning permitted from and including April 1st and October 31st. During this period fires shall only be set between the hours of 7:00 pm and extinguished by 7:00 am or earlier.
2. Burning in a barrel is permitted provided that the barrel is of a non-combustible material, the barrel is not placed on combustible materials, in the event of excessive sparks or debris exiting the barrel a screen shall be used. The material to be burned shall be limited to wood or by-products of wood. [failure to comply will result in the contacting of the Ministry of the Environment and any costs that are incurred shall be the responsibility of the person responsible for the fire] When a burn barrel begins to decay or rusts through the barrel is to be disposed of in accordance with the procedures of the Wollaston Waste Site and replaced.

3. Notwithstanding the provisions of section 1 hereof, the Chief Fire official may, upon written request, approve the setting of any fire subject to the fire being supervised by the Fire Chief of Wollaston Township or their designate.
 4. EXCEPT IN THE EVENT OF A BURN BAN, and notwithstanding the provisions of section 1 hereof, open air fires may be set when such burning consists of a small confined fire, supervised at all times and is used to cook food or is for personal warmth. Fires set during the day from and including April 1st and October 31st for cooking or warmth must be extinguished once the purpose of the fire has been fulfilled (ie once food preparation has been completed).
 5. All persons setting an open air fire in Wollaston Township shall:
 - a. ensure that no uncontained fire, including but not limited to a grass fire are set
 - b. ensure that fire is tended by a person capable of extinguishing the fire until the fire is out
 - c. ensure that adequate tools and water and human resources to contain the fire are on site
 - d. ensure that the pile of material to be burned is less than one meters high and less than one metre in diameters
 - e. ensure that the fire is at least 5 meters from any combustible materials
 - f. ensure that there is no burning during a burn ban.
 - g. be responsible for any damage to property or injury to persons occasioned by the said fire;
 - h. be liable for costs incurred by the fire department, including personnel, equipment and apparatus necessary and called in to extinguish the said fire including MNR or mutual aid assistance.
 6. No open-air fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
 - a. A decrease in visibility on any highway or roadway;
 - b. A rapid spread of fire through grass or a brush area,
 - c. A danger to health or life to those in the surrounding area.
 - d. Inability to control excessive sparks or debris.
 7. No person within Wollaston Township shall ignite or release an ignited Flying Lantern.
- Any person who ignites or releases a Flying Lantern and causes an open fire in Wollaston Township assumes full responsibility for fire control and shall:
- a. be responsible for any damage to property or injury to persons or animals occasioned by said fire
 - b. assumes full responsibility for fire control and may be liable for costs incurred by the Fire Department, including the costs of the personnel and equipment as authorized and set out on Schedule A attached hereto and authorized by the Fire Chief or his or her designate.
 - c. no person within Wollaston Township shall offer for sale, cause or permit to be sold, or sell any flying lanterns
8. A farmer who intends to set or maintain a fire in the open air on a specified day for disposal of vegetable matter or vegetation on farm lands which is normal and incidental for farming purposes shall be issued a permit to cover the period of the proposed fire, and will be required to notify the fire department for each day of the proposed fire.
 9. Where in the opinion of the Fire Chief/or designate, a potentially dangerous situation exists due to fire, smoke, weather, environmental or health concerns the Fire Chief may rescind, suspend or cancel any or all burning and may declare a complete fire ban.

SECTION 4: ADMINISTRATION

1. The Fire Chief, Municipal Law Enforcement Officer and any person so appointed by the Corporation of the Township of Wollaston shall have the authority to administer this by-law in its entirety.

SECTION 5: PENALTIES AND VIOLATIONS

1. Any fire protection costs incurred as a result of:
 - a. fires set deliberately with or without malice and which require fire department assistance,
 - b. fires set deliberately during a Fire Ban (NO BURN) situation,
 will be billed to those person(s) who started/are responsible for the fire, as set out in Schedule "B".
2. Any response call costs incurred as a result of a false alarm or frivolous calls shall be billed directly to those persons making the call, as set out in Schedule "A".
3. Any other costs which may be incurred as a result of said fire will be charged out accordingly; which may include, but is not limited to, M.N.R. assistance, water bombers, neighbouring fire department assistance including equipment and staff.
4. In addition to any other penalty prescribed by this by-law any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than \$5,000.00 as set out in the Provincial Offences Act and included with Schedule "B" forming part of this by-law.

All By-Laws or parts of By-Laws previously passed inconsistent with the provisions of this By-Law are hereby repealed.

Read a first, second and third time and finally passed this 7th day of October, 2019



Barbara Shaw, Reeve



Barry Wapnamaker, Acting Clerk

**The Corporation of the Township of Wollaston
Open Air Burning By-Law 53-19
Schedule "A"**

Fees for Service

1. EQUIPMENT

- I. Pumper(s) \$350/hr
- II. Tanker(s)..... \$350/hr
- III. Other Fire Department Vehicles (including but not limited to Rescue, Equipment Vehicle, Forestry Vehicle)..... \$250/hr
- IV. Generator(s)..... \$30/hr
- V. Portable Pump(s) \$30/hr

Equipment hours are calculated to the next whole hour.

2. STAFFING

- I. Firefighter(s) \$30/hr
- II. Chief/Deputy(s) \$30/hr
- III. Public Works Staff..... \$30/hr

Staff hours are calculated to the next whole hour, with a two hour minimum.

Mileage for each private vehicle required to transport volunteer firefighters from the Fire Hall to the emergency area is calculated at 0.52 cents per kilometre.

Any other costs which are incurred as a result of said fire will be charged accordingly; which may include, but is not limited to, M.N.R. assistance, water bombers and mutual aid assistance including equipment and staff.

**The Corporation of the Township of Wollaston
Open Air Burning By-Law
Schedule "B"
Part 1 Provincial Offences Act Fines**

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Day Buring	3.1	\$250.00
2.	Failure to extinguish	3.1	\$250.00
3.	Fire unattended	3.5 (b)	\$250.00
4.	Burning during Fire Ban	3.5 (c)	\$250.00
5.	Failure to contain and control fire	3.6	\$250.00

Note: the general penalty provision for the offences listed above is Section 3 of By-Law 53-19, a certified copy of which has been filed.