

**Third Reading**

Council of the Township of Wollaston

Moved by Graham Blair

Session Nov 17 2009

Seconded by Ron Earle

No. 60-09.

That a by-law to for prescribing the time for setting  
fires in Wall Top & the precautions  
to observed

As reported by the committee of the Whole be read a third time, passed and numbered \_\_\_\_\_ and that the said by law be signed by the Reeve and clerk, sealed with the seal of the Corporation, and be engrossed in the by-law book.

Carried \_\_\_\_\_

**Second Reading**

Council of the Township of Wollaston

Moved by [Signature]

Session 200

Seconded by Graham Blair

No. \_\_\_\_\_

That a by-law to \_\_\_\_\_

Be read a second time and be referred to a committee of the whole council.

Carried \_\_\_\_\_

**First Reading**

Council of the Township of Wollaston

Moved by Ron Earle

Session 200

Seconded by [Signature]

That a by-law to \_\_\_\_\_

be received and read a first time.

Carried \_\_\_\_\_

# Open Air Burning By-Law

The Corporation of the Township of Wollaston of Hastings County.

By-law number 60-09

Repeals by-law # 9-2000, dated April 18, 2000

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 but is not limited to any fire set out in open air for the purposes of burning vegetation, dead grass, brush, the disposal of certain refuse, building materials, the cleaning 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. 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.

**PERMIT:** Shall mean the attached Schedule "A" to be filled out in its entirety prior to any burning for the purpose of tracking fires and enabling the township of Wollaston to contact the permittee in the event of a FIRE BAN.

## **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. All persons setting an open air fire in Wollaston Township must first obtain a fire permit from the Municipal Office pursuant to this section. Failure to obtain a permit prior to burning will result in a fine as described in Section 5. There is no day burning permitted from and including April 1<sup>st</sup> and October 31<sup>st</sup>.

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 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 permit holder/person responsible for the fire] When a burn barrel begins to decay or rusts through the barrel is to be disposed of in a proper fashion and replaced. A person who has obtained a fire permit pursuant to this section shall:

(NOTE: in the case of our volunteer fire department, the fire permit may be issued from the municipal offices or any other designated location.)

- a. The fire permit is issued to allow not more than one (1) cubic metre of material to be burned at any one time; (see c. below for larger fire requests)
  - b. Ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire.
  - c. Persons wishing to burn more than the above cubic metre of material at any one time must specify on the permit the approximate overall size of the fire and adhere to the below special precautions:
    - i. A water source will be available at the burn site (whether buckets of water [no less than 2 x 5 gallon pails or it equal], or a garden hose)
    - ii. Any long grass around the area where the burn is to take place is to be cut.
    - iii. No burning is to take place within 20 ft of any building
3. A fire permit may be cancelled or suspended at any time by the Chief Fire Official or/ designate and immediately upon receiving notice of such cancellation or suspension; the permittee shall extinguish any fire started under the permit.

Notwithstanding the provisions of section 1 hereof, the Chief Fire official may, upon application, approve the setting of any fire subject to the fire being supervised by the Fire Chief of Wollaston Township or their designate.

4. 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 EXCEPT IN THE EVENT OF A BURN BAN. Permits must still be obtained.

- a. No person shall set an uncontained fire, including but not limited to a grass fire;
  - b. No person shall set a fire and leave it unattended.
  - c. No person shall burn during a burn ban.
6. All persons setting an open air fire in Wollaston Township shall:
- a. Be responsible for any damage to property or injury to persons occasioned by the said fire;
  - b. 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.
7. 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.
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**

Every 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 R.S.O 1990 Chapter P.33.

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, or
  - c. fires set deliberately without a permit.

Will be billed to those person(s) who started/are responsible for the fire (removed reference to schedule)

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. (removed reference to schedule)

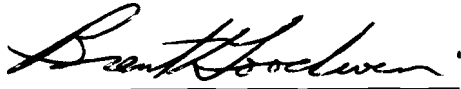
3. Any other costs which may be incurred as a result of said fire will be charged out accordingly, such as M.N.R. assistance, water bombers, neighbouring fire department assistance, but not limited to

**THEREFORE the Council of the Corporation of the Township of Wollaston enacts:**

1. That By-Law # 9-2000 be, and is hereby repealed in full.

2. This by-law 60-2009 shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 19th DAY OF August 2009.

  
REEVE D. MCCAWE

  
CAO/Clerk-Treasurer M. BRICKLES

**Permit for Open Fires: NO DAY BURNING FROM AND INCLUDING APRIL 1<sup>ST</sup> TO OCTOBER 31<sup>ST</sup>**

**Permission is hereby granted to:**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ (include 911#) Cellular: \_\_\_\_\_  
\_\_\_\_\_

Postal Code: K0L1P0

**For the purpose of having an open fire:**

Date: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

Location: \_\_\_\_\_

Material to be burned: \_\_\_\_\_

Extinguishment: \_\_\_\_\_

If requesting fire greater than the allowed 1 cubic metre please check box and fill in below:

Approx size of fire: \_\_\_\_\_ cubic metres

Initial box signifying that you have read and will adhere to special precautions below.

**The applicant agrees to comply with the provisions of By-law \_\_\_\_\_ as amended, and also agrees to assume all responsibility for any damages and cost occurring from the fire.**

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_  
Signature of Issuing Official: \_\_\_\_\_

**All persons setting an open air fire in Wollaston Township shall first obtain a fire permit from the municipal office pursuant to this section. There is no day burning in Wollaston Township from and including April 1<sup>st</sup> to October 31<sup>st</sup>. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:**

- a. The fire permit is issued to allow not more than one (1) cubic metre of material to be burned at any one time; (see c. below for larger fire requests)
- b. Ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire.
- c. Persons wishing to burn more than the above cubic metre of material at any one time must specify on the permit the approximate overall size of the fire and adhere to the below **special precautions**:
  - i. A water source will be available at the burn site (whether buckets of water [no less than 2 x 5 gallon pails or it equal], or a garden hose)
  - ii. Any long grass around the area where the burn is to take place is to be cut.
  - iii. No burning is to take place within 20 ft of any building