

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES

BY-LAW # 07-45

BEING A BY-LAW TO CONTROL OPEN AIR BURNING IN THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES AND TO REPEAL BY-LAW # 01-07

WHEREAS *Section 102 of The Municipal Act, R.S.O. 1990, as amended*, provides that Council may pass by-laws and make regulations for the health, safety, morality and welfare of the inhabitants of the municipality;

AND WHEREAS the Council of The Corporation of the Municipality of Huron Shores deems it expedient to control open air burning for protecting inhabitants, property owners and property in the Municipality;

AND WHEREAS The Corporation of the Municipality of Huron Shore desires that burning permits be issued to control open air burning within the jurisdiction of the municipality;

NOW THEREFORE the Council of The Corporation of the Municipality of Huron Shores ENACTS AS FOLLOWS:

1. THAT for the purposes of this By-law "Officer" means the Fire Chief, either Deputy Fire Chief, the Fire Prevention Officer, or Fire Wardens as appointed by Council.
2. THAT Residents and Taxpayers of the Municipality of Huron Shores must obtain a Burning Permit for Open Air burning except for cooking and warmth, within the municipality during the period April 1 to October 31 of each year and shall keep the permit at the fire site at all times during any burning operation and shall present the permit for inspection to any Fire Officer or Fire Warden upon demand.
3. THAT this by-law be enforced in accordance with the legislation and regulations of the Forest Fire Prevention Act (F.F.P.A.) and the Fire Protection and Prevention Act (F.P.P.A.);
4. THAT enforcement of any offence under this by-law will be conducted as set out by the F.F.P.A. and/or the F.P.P.A.;
5. THAT this by-law will be enforced by Officers of the Municipality being the Fire Chief, either Deputy Fire Chief, Fire Prevention Officer or Fire Wardens;
6. THAT permits for daytime burning will only be issued for very special circumstances after the site has been inspected and approved by the Fire Chief, or a Deputy Fire Chief or the Fire Prevention Officer;
7. THAT NOTWITHSTANDING a Restricted Fire Zone being declared by the Ministry of Natural Resources, the Fire Chief or a Deputy Fire Chief of the Municipality may declare a Fire Ban on all Open Air Burning except for cooking and warmth where the fire is contained in an approved installation as defined under the F.F.P.A.;
8. THAT contravention of any part of this by-law will result in fines and/or charges as specified in Schedule "A" attached to and forming part of this by-law;

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9. (1) THAT where an officer under this by-law or a fire warden finds on any land, building, structure or equipment a condition that, in his or her opinion, may cause danger to life or property from fire, the officer may order the owner or person in control thereof or the person who has caused the condition to take such action as the officer considers necessary to remedy the condition, and in default the officer, with such assistants as he or she requires, may remedy the condition;
- (2) THAT the cost and expense of any action taken by an officer and his or her assistants under subsection (1) shall be paid by the owner or person in control of the land or the person who has caused the condition and are recoverable by the Corporation of the Municipality of Huron Shores in any court of competent jurisdiction.
- 10.(1) THAT every person who disobeys or refuses or neglects to carry out any of the provisions of this By-law or the regulations or of any order made thereunder or any condition of any permits issued thereunder is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 and not less than \$90.00 and such person is also liable to the Municipality for any cost and expenses incurred by the Municipality in endeavoring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect.
- (2) THAT the cost and expenses for which a person is liable under subsection (1) are recoverable with the costs in any court of competent jurisdiction as a debt due, but where the amount claimed does not exceed the monetary limit of the Small Claims court and proceedings are taken under the Provincial Offences Act in respect of the disobedience, refusal or neglect, the court, upon making a conviction, may order payment of such amount to the Municipality and every such order may be enforced in the same manner as a Small Claims Court judgment.
11. AND THAT the Council of the Municipality may make regulations:
- (1) regulating or prohibiting outdoor fires;
 - (2) regulating or prohibiting operations specified by the regulations;
 - (3) governing the issue, form, refusal and cancellation of permits or any class of them and prescribing their terms and conditions;
 - (4) designating classes of operations and activities and governing the equipment, staff and precautions to be provided or observed in respect of fire prevention or suppression by persons engaged in any class of operation or activity;
 - (5) prescribing fees for the issuance of permits;
 - (6) governing the use of fire during a fire ban.

Read a first, second and third time and passed in open Council this 8th day of August, 2007.

MAYOR - E. W. LINLEY

CLERK - Deborah TONELLI

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**SCHEDULE "A"
TO BY-LAW # 07-45**

Schedule of Fines and Charges:

1.	Permit Offences - burning without a permit	2. of By-law	\$90.00
2.	Permit Offences - Permit not at site	2. of By-law	\$90.00
3.	Permit Offences - Failing to produce permit	2. of By-law	\$90.00
4.	Insufficient Persons at fire or Unattended Fire	1(2) Reg.	\$90.00
5.	Fail to completely extinguish fire before leaving site	1(3) Reg.	\$180.00
6.	Burning during a restricted fire zone or fire ban	6. Reg.	\$180.00
7.	Burning contrary to conditions on permit	8 (a)Reg.	\$90.00
8.	Burning contrary to condition(s) on attachment to permit	8 (b) Reg.	\$90.00
9.	Permitting fire to go out of control	11. Reg.	\$180.00

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1. (1) No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment.
- (2) No person who starts a fire outdoors shall leave the fire without leaving a person in charge of the fire.
- (3) A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.
2. No person shall start a fire outdoors during the fire season for the purpose of burning piled wood, brush, leaves or discarded wood by-products unless,
 - (a) a responsible person is available to tend the fire until it is extinguished;
 - (b) the material is burned in a single pile that is less than two metres in diameter and less than two metres high or as an inspector deems appropriate having regard for all conditions;
 - (c) the fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier;
 - (d) the fire is at least five metres from any flammable materials; and
 - (e) the person tending the fire has tools and water adequate to contain the fire within the fire site.
3. (1) No person shall burn wood, brush, leaves or discarded wood by-products in an incinerator during the fire season unless,
 - (a) the incinerator is an enclosed device constructed entirely of non-combustible material;
 - (b) the incinerator is at least ten metres from any forest or woodland;
 - (c) the incinerator is at least five metres from any flammable material; and
 - (d) the outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres.
 - (2) A person who starts a fire in an incinerator shall ensure that a responsible person monitors the fire until it is extinguished.
4. (1) No person shall start a fire outdoors during the fire season for the purpose of burning grass or leaf litter.
- (2) Subsection (1) does not apply to a person starting the fire on property he or she lawfully occupies if,
 - (a) the total area to be burned does not exceed one hectare;
 - (b) a responsible person is available to tend the fire until the fire is extinguished;
 - (c) the length of flaming edge does not exceed 30 metres;
 - (d) at least 2 persons for every 30 metres of flaming edge of burning site;

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- (e) the fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier; and
 - (f) the person tending the fire has tools and water adequate to contain the fire
- (3) Subsection (1) does not apply to a person who starts a fire with the permission of the person who has lawful occupation of the property on which the fire is started and in respect of which the conditions set out in subsection (2) are met.
- 5. (1) An officer may issue, to a person who is prohibited from starting a fire by the operation of section 2, 3 or 4, a fire permit for a fire outdoors or in an incinerator for the purpose of burning piled wood, brush, leaves or discarded wood products;
- (2) Subject to section 6, a person who has a fire permit setting out special circumstances and conditions may start a fire outdoors or in an incinerator for the purpose of burning piled wood, brush, leaves or discarded wood products even if the conditions set out in section 2, 3 or 4 are not met.
- 6. (1) No person shall start a fire outdoors or in an incinerator or use fire works within an area declared to be under a restricted fire zone or a fire ban even if the conditions set out in section 2, 3, or 4 are met.
- (2) No person shall start a fire outdoors or in an incinerator or use fireworks during a fire ban imposed by the Fire Chief or Deputy Fire Chief, with the exception of a camp fire intended to be used for cooking or warmth where the fire is constantly attended, less than 1 meter in diameter, the flames are less than 60 cm high, the fire is enclosed by non-combustible material such as steel or brick, and it is at least 5 meters from any combustible material.
- 7. (1) An officer may suspend or cancel a fire permit and may give notice of the suspension or cancellation to the permittee or, in the absence of the permittee, to the person tending a fire for which the permit was issued.
- (2) A permittee or a person tending a fire who receives notice of a suspension or cancellation of a fire permit shall immediately extinguish any fire started under the permit.
- 8. (a) No person shall burn in any manner, that contravenes any condition on the permit issued for the burn.
- (b) The municipality may attach conditions to a permit as set out in the regulations and no person shall contravene any part of such attachment.
- 9. Daytime Burning Permits will be issued for Very Special Circumstances provided:
 - (1) The burning is required for a business, company, industry, corporation or a farm as defined by Revenue Canada;
 - (2) Items to be burned are in such condition that allowing them to remain would pose a risk to life or property.
 - (3) By nature of items to be burned, burning may take longer than 12 hours and it would be impractical to require the burning to be extinguished then re-ignited to complete the entire burn.
 - (4) By nature of the applicant, sufficient persons and equipment would be more accessible during daytime hours in order to safely control the burn.

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10. Daytime Conditions:
- (a) Items to be burned shall be piled in compliance with regulation Sec. 2(b) or as the instructor deems appropriate having regard for all conditions.
 - (b) There shall be at least a five metre radius of mineral soil from the edge of the burn, and encircling the burn site
 - (c) Any edge of the burn pile shall be no closer than 30 metres to any forest or woodland.
 - (d) For each pile of items to be burned there shall be a least 2 persons in attendance at all times until the burn is completely extinguished
 - (e) Each person required to be in attendance shall be equipped with a hand shovel or hand rake in good working condition for the purposes of controlling the burn.
 - (f) There shall be at least 20 gallons of water for each burn pile on fire in containers suitable for applying the water to the fire at all times.
 - (g) Where there is more than one pile to burn, any edge of any pile shall not be closer than 15 metres to any other pile
 - (h) There shall, at all times during the burn, be a means of communications whereby a fire department may be summoned to the site.
 - (i) Any edge of the burn pile is not closer than five metres from any flammable material.
 - (j) The business, industry, company, corporation or farm, as defined by Revenue Canada, requesting to burn during the daytime shall make application in writing to do so indicating the name, address, phone number of the business or company, the name of the person in charge of the site, the type of communications intended to be used, the number of piles to be burned and the number of persons and names of those persons intended to be in attendance.
 - (k) The above application shall be made at the municipal office and given at least 5 days prior to the proposed burn date.
 - (l) A permit to allow such a burn may be issued by the Fire Chief, a Deputy Fire Chief, or Fire Prevention Officer.
 - (m) The Fire Chief, a Deputy fire Chief or Fire Prevention Officer shall enter the premises of the proposed burn site and inspect same.
 - (n) Permission to allow the burn to begin is subject to the above inspection. No burn shall commence without the above permission.
 - (o) The Fire Chief, a Deputy Fire Chief, Fire Prevention Officer or Fire Warden may, at any time cancel the above permit or permission and order the fire extinguished.
 - (p) The permit holder and all persons at the fire site shall comply with such order immediately.
 - (q) Where a permit holder is issued a permit for a period of time exceeding 24 hours, the permit holder shall notify the municipality prior to commencing of burn.
 - (r) All of the above conditions apply to the permit holder where he or she is burning vegetative growth in a field for every 60 metres of flaming edge.
 - (s) No burn, referred to in subsection (r), shall exceed an area of 2 hectares of active fire at any one time.
 - (t) Be it noted that the above conditions are a minimum standard. The officer issuing the said permit may require further conditions, as he or she sees fit considering all circumstances, prior to issuing the said permit.
11. No person who is conducting a burn of piled wood, brush, discarded wood by-products, grass, leaves, or wood, brush or discarded wood by-products in an incinerator shall permit the fire to go out of control.
12. No person shall conduct any open air burning during a restricted fire zone.

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13. Fire Permit Fees -
 - a) Daytime Burning Permits - \$20.00 / Permit
Payable by the applicant thereof at time of issuance, to the
Municipality of Huron Shores
 - b) Half of the fee collected for each Daytime Permit issued shall be paid
to the issuing officer in lieu of mileage.