

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES

BY-LAW # 14-08

BEING A BY-LAW TO CONTROL OPEN AIR BURNING IN THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES AND TO REPEAL BY-LAW # 13-44

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 Shores 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:

1.0 DEFINITIONS:

THAT for the purpose of this by-law the following definitions shall apply:

- 1.1 **"Burning Permit"** means a permit issued by the Municipality of Huron Shores in the prescribed form that grants the permit-holder the right to conduct burning on the property covered by the Burning Permit and with regard to the restrictions set out in this by-law as well as any additional conditions placed on the permit by the Municipality.
- 1.2 **"Campfire"** means a fire intended to be used for cooking or warmth where the fire is constantly attended, no greater than 1 (one) metre in diameter, the flames are less than 1 (one) metre high, the fire is enclosed by non-combustible material such as steel, rock or brick, and it is at least five (5) metres from any combustible material or building.
- 1.3 **"Fire Ban"** means a ban declared by an officer on all outdoor burning, including the use of fireworks and pyrotechnics but not a campfire or the use of an outdoor cooking device.
- 1.4 **"Incinerator"** means a device used for outdoor burning which is completely enclosed, constructed entirely of metal with only one opening located at the top of the device. The opening so described shall be covered with a steel screen having a mesh opening size no greater than 5 mm.
- 1.5 **"Officer"** means the Fire Chief, a Deputy Fire Chief, the Fire Prevention Officer, or Fire Wardens as appointed by Council.
- 1.6 **"Outdoor Cooking Device"** is a device constructed of all non-combustible materials such as metal, rock or brick which

completely contains the burning portion thereof on all sides with the only open uncovered exposure being that above the burning portion designed, intended and used for the cooking or preparation of food and fuelled only by commercial charcoal, compressed gas or wood. The size of this device shall be limited to that which is reasonable for the intended application. The area around this device shall be protected so as not to allow the spread of fire from the device. This device shall not be closer than 5 meters to any building or structure or any flammable material and shall be attended at all times by a responsible person until it is extinguished.

2.0 PERMITS / FIRE BAN

- 2.1 THAT every person shall obtain a Burning Permit for all open air burning except for a campfire or for the use of an outdoor cooking device, within the Municipality of Huron Shores each year and shall notify the Municipal Office during regular business hours, in advance of each time a burn is to be conducted;
 - 2.1.1 THAT the Burning Permit shall be kept at the fire site at all times during any burning operation and shall be presented for inspection to an Officer upon demand;
- 2.2 THAT every person shall obtain a Burning Permit for each property on which they intend to ignite a fire. For further clarity, each property with a different civic number shall require a Burning Permit for any burn to be conducted at that property;
 - 2.2.1 THAT Annual Burning Permits are valid for 364 days from the date of issue and, at the expiry of those 364 days, must be renewed by paying the annual Burning Permit fee prescribed in the Regulations forming Schedule A of this by-law;
 - 2.2.2 THAT in the case of a leap year, the Burning Permit shall be valid for 365 days from the date of issue;
- 2.3 THAT Burning Permits for daytime burning will only be issued for specific circumstances as described in the regulations, after the site has been inspected and approved by an Officer;
- 2.4 THAT, NOTWITHSTANDING a Restricted Fire Zone being declared by the Ministry of Natural Resources, an Officer may declare a Fire Ban anytime the Officer believes that it is necessary to do so in the interest of public safety and the protection of property.

3.0 ENFORCEMENT, PENALTY AND RECOVERY OF COSTS

- 3.1 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.);
- 3.2 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.;

- 3.3 THAT this by-law will be enforced by any Officer;
- 3.4 THAT contravention of any part of this by-law will result in fines and/or charges as specified in Schedule "B" attached to and forming part of this by-law;
- 3.5 THAT where an Officer under this by-law 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;
- 3.5.1 THAT the cost and expense of any action taken by an Officer and his or her assistants under subsection 3.5 shall be paid by the owner or person in control of the land or the person who has caused the condition and such costs and expenses are recoverable by the Corporation of the Municipality of Huron Shores in a court of competent jurisdiction;
- 3.6 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 Burning 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 \$100.00 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;
- 3.6.1 THAT the cost and expenses for which a person is liable under subsection 3.6 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.

4.0 REGULATIONS

- 4.1 THAT the Council of the Municipality may make regulations:
- (a) regulating or prohibiting outdoor fires;
 - (b) regulating or prohibiting operations specified by the regulations;
 - (c) governing the issue, form, refusal and cancellation of Burning Permits or any class of them and prescribing their terms and conditions;
 - (d) 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;
 - (e) prescribing fees for the issuance of Burning Permits; and

(f) governing the use of fire during a fire ban.

5.0 ADMINISTRATION

5.1 This By-law shall come into effect upon the passing thereof.

5.2 When this By-law comes into effect, as per Section 5.1, By-law No. 13-44 is hereby repealed.

Read a first, second and third time and finally passed in open Council this 12th day of February, 2014.

MAYOR – L.C. (GIL) REEVES

CLERK - Deborah TONELLI

**THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
SCHEDULE "A" TO BY-LAW # 14-08**

REGULATIONS

1. (1) No person shall start any fire outdoors unless conditions will allow the fire to burn safely from ignition of the fire to extinguishment.
 - (2) No person who starts a fire outdoors shall leave the fire without leaving a responsible 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.
 - (4) No person shall start any fire outdoors anytime, other than a camp fire or while utilizing an outdoor cooking device, earlier than 2 hours before sunset and shall ensure the fire is fully extinguished no later than 2 hours after sunrise the following day.
 - (5) No person shall start any fire outdoors anytime, other than a camp fire or while utilizing an outdoor cooking device, at any time when winds are currently or forecast to be in excess of 16 kilometres per hour.
 - (6) Subsections 1(4), 1(5) and 2(1)(a) of this regulation do not apply during the months of December, January, February and March while there is actively falling some form of precipitation, whether it be snow, rain or sleet, or while there is a minimum of 25 millimetres of measurable snow accumulated on the ground in the Municipality.
 - (7) No person shall start any fire outdoors at any time whereby the smoke, heat or ash therefrom causes an irritation to any other person or interferes with any other person's lawful use and enjoyment of property or whereby the smoke, heat or ash therefrom poses a hazard to vehicular traffic using any highway as defined under the Highway Traffic Act of Ontario.
2. (1) No person shall start a fire outdoors for the purpose of burning piled wood, brush, leaves or discarded wood by-products unless:
 - (a) 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 officer deems appropriate having regard for all conditions; and
 - (b) the fire is at least five metres from any flammable materials and any building or structure; and
 - (c) 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 outdoors in an incinerator unless:
 - (a) the incinerator is at least ten metres from any forest or woodland; and
 - (b) the incinerator is at least five metres from any flammable material, building or structure.
- (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 for the purpose of burning grass or leaf litter.
- (2) No person shall start a fire with any flammable liquid including but not limited to gasoline and oil.
- (3) Subsection 4(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) the length of flaming edge does not exceed 30 metres;
 - (c) there are at least 2 responsible persons tending the fire for every 30 metres of flaming edge of burning site; and
 - (d) the person or persons tending the fire have tools and water adequate to contain the fire.
- (4) Subsection 4(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 of this by-law and the regulations are met.
5. An officer may issue, to a person who is prohibited from starting a fire by the operation of Section 2, 3 or 4, a Burning Permit for a fire outdoors or in an incinerator for the purpose of burning piled wood, brush, leaves or discarded wood products.
6. (1) No person shall start a fire outdoors or in an incinerator or use fireworks or pyrotechnics 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 or pyrotechnics during a fire ban declared by an officer, with the exception of a camp fire or while utilizing an outdoor cooking device.
7. (1) An officer may suspend or cancel a Burning 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 Burning Permit was issued.
- (2) A permittee or a person tending a fire who receives notice of a

suspension or cancellation of a Burning Permit shall immediately extinguish any fire started under the Burning Permit.

8. (1) No person shall burn in any manner, that contravenes any condition on the Burning Permit.
 - (2) The Municipality may attach conditions to a Burning Permit as set out in the regulations and no person shall contravene any part of such attachment.
9. (1) Daytime Burning Permits will be issued only for specific circumstances provided:
 - (a) The burning is required for a business, company, industry, corporation, hobby farm or a farm as defined by Revenue Canada;
 - (b) Items to be burned are in such condition that allowing them to remain would pose a risk to life or property;
 - (c) 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; and
 - (d) By nature of the applicant, sufficient persons and equipment would be more accessible during daytime hours in order to safely control the burn.
10. (1) Daytime Conditions:
 - (a) Items to be burned shall be piled in compliance with regulation Section 2(b) or as the officer 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) There shall be at 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 100 litres 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, hobby farm 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 Burning Permit to allow such a burn may be issued by an officer;
 - (m) An 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) An Officer may, at any time cancel the above Burning Permit or permission and order the fire extinguished;
 - (p) The Burning Permit holder and all persons at the fire site shall immediately comply with an order made under Section 10 (o);
 - (q) Where a Burning Permit holder is issued a Burning Permit for a period of time exceeding 24 hours, the Burning Permit holder shall notify the Municipality prior to commencing of burn;
 - (r) All of the above conditions apply to the Burning 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; and
 - (t) The above conditions are a minimum standard. The Officer issuing the Burning 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.
13. (1) Burning Permit Fees -
Payable by the applicant thereof at time of issuance, to the Municipality of Huron Shores
 - (a) Daytime Burning Permits - \$20.00 / Permit
 - (b) Annual Burning Permits - \$5.00 / Permit
14. (1) The provisions of Section 2.1 of the By-Law and of Subsection 2(1)(a) of this regulation do not apply to an employee of the Municipality of Huron Shores engaged in burning wood and wood product debris at any of the Municipal Waste Disposal a.k.a Landfill Sites for the purposes of disposing of the said wood and wood product debris provided all of the following conditions are met:
 - (a) Each burn is authorized by the Municipal Public Works Superintendent or his / her designate;
 - (b) The burn is attended at all times by a Municipal employee until it is fully extinguished;
 - (c) Firefighting equipment, as agreed upon and prescribed by the Fire Chief from time to time, is in good working order, at the site of the burn and available for immediate use by a Municipal employee trained in its use;
 - (d) The burn is conducted in a designated excavation intended to contain the fire;
 - (e) The person who is attending to the fire as described in Subsection 14 (1)(b) is equipped with an effective means of communication;
 - (f) The Municipal Office is informed in advance about the proposed burn;
 - (g) If an Officer believes for any reason that there is an undue risk that a burn, as such, may go out of control and threaten other property, the Officer may prescribe that the burn NOT be conducted or may prescribe specific conditions under which the proposed burn may be conducted; and
 - (h) All other provisions of this By-Law and this Regulation are complied with.
- (2) Regulation Subsection 14(1)(b) does not apply during the months of December, January, February and March when:
 - (a) the conditions described in subsection 1(6) of this regulation exist; and
 - (b) the majority of the fuel intended for consumption by the fire has been consumed by the fire and only a small amount of un-burnt fuel is left to be consumed or the fire has been reduced to live coals and smoldering.

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES

SCHEDULE "B" TO BY-LAW # 14-08: Open Air Burning

PART 1 Provincial Offences Act
Set Fines Schedule

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1	Conduct open air burning without a permit	By-law S. 2.1	\$200.00
2	Conduct open air burning - permit not on site	By-law S. 2.1.1	\$100.00
3	Conduct open air burning - failing to produce permit	By-law S. 2.1.1	\$100.00
4	Conduct open air burning with no one on site at the fire	Regulation 1(2)	\$200.00
5	Conduct open air burning - fail to completely extinguish fire before leaving site	Regulation 1(3)	\$200.00
6	Conduct open air burning - that interferes with any person's lawful use and enjoyment of property	Regulation 1(7)	\$100.00
7	Conduct open air burning - that poses hazard to vehicular traffic on any highway	Regulation 1(7)	\$100.00
8	Conduct open air burning during a restricted fire zone or a fire ban	Regulation 6	\$500.00
9	Conduct open air burning contrary to conditions on permit	Regulation 8(1)	\$200.00
10	Conduct open air burning contrary to condition(s) on attachment to permit	Regulation 8(2)	\$200.00
11	Conduct open air burning - permitting fire to go out of control	Regulation 11	\$200.00

Note: the general penalty provision for the offences listed above is section 3.6 of By-law 14-08, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.