

The Corporation of the
TOWNSHIP OF THE ARCHIPELAGO

BY-LAW NO. 04 - 36

Being a By-law to Repeal By-Law 99-86 and Adopt a new By-Law
to Prescribe Times for Setting Fires and Precautions for Burning

WHEREAS the *Municipal Act*, R.S.O. 2001, s.o. 2001, c. 25, as amended, authorizes municipalities to enact by-laws for prescribing for the whole or any part of the Municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires;

AND WHEREAS the *Municipal Act*, R.S.O. 2001, s.o. 2001, c. 25, as amended, authorizes Municipalities to enact by-laws for making such other regulations for preventing fires and the spread of fires as the Council deems necessary;

AND WHEREAS the *Ontario Fire Code* prohibits open air burning in fire season and during certain hours unless such burning consists of a small, confined fire, supervised at all times, or used to cook food on a grill or a barbecue;

AND WHEREAS the Council of the Township of The archipelago deems it necessary and expedient to pass a by-law to restrict the starting of fires outdoors;

NOW THEREFORE BE IT ENACTED as a By-Law of the Council of the Corporation of the Township of The Archipelago as follows:

1. DEFINITIONS

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

- 1.1 "Fire Season" means April 1 to October 31 of each year;
- 1.2 "Municipal Employee" means an officer, servant or other employee of the municipality;
- 1.3 "Municipality" means the Corporation of the Township of The Archipelago;
- 1.4 "Restricted Fire Zone" means a geographical area within the Municipality within which no burning is permitted as determined by the Ministry of Natural Resources and;
- 1.5 "Total Fire Ban" means a geographical area within the Municipality within which no burning is permitted as determined by the Municipality.

2. REGULATION OF OUTDOOR FIRES

- 2.1 No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment.
- 2.2 No person who starts a fire outdoors shall leave the fire without leaving a person in charge of and tending the fire.
- 2.3 A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of and tending the fire outdoors, shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.

- 2.4 No person who starts a fire outdoors, or if the person who started the fire is not present, a person in charge of and tending the fire outdoors, shall permit the fire to continue and burn if the fire causes:
- (a) A decrease in visibility on any highway or roadway;
 - (b) Inconvenience or irritation to others.
- 2.5 No person shall burn wood, brush, leaves or discarded wood by-products in an incinerator unless;
- (a) The incinerator is an enclosed device constructed entirely of non-combustible material;
 - (b) The incinerator is at least five metres from any forest or woodland;
 - (c) The incinerator is at least two metres from any flammable materials;
 - (d) The outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres and;
 - (e) The person who starts the fire in the incinerator ensures that a responsible person monitors the fire until it is extinguished.

3. REGULATION OF OUTDOOR FIRES DURING A FIRE SEASON

- 3.1 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) The fire is started at or later than 2 hours before sunset, and is extinguished by 2 hours after sunrise or earlier the following day;
 - (b) A responsible person is available to tend the fire until it is extinguished;
 - (c) The material is burned in a single pile that is less than two metres in diameter and less than two metres high;
 - (d) The fire is at least two metres from any flammable materials and;
 - (e) The person tending the fire has tools or water adequate to contain the fire within the fire site.
- 3.1.1 A person may be exempt from 3.1(a) upon contacting the local Ministry of Natural Resources office for permission to conduct daytime burning.
- 3.2 No person shall start a fire outdoors during the Fire Season for the purpose of burning grass or leaf litter unless:
- (a) The fire is started at or later than 2 hours before sunset, and is extinguished by 2 hours after sunrise or earlier the following day;
 - (b) The fire is started on property that the person lawfully occupies;
 - (c) The total area to be burned does not exceed 0.1 hectare (one quarter (1/4) of an acre);
 - (d) A responsible person is available to tend the fire until the fire is extinguished;
 - (e) The length of the flaming edge does not exceed 15 metres (fifty (50) feet) and;

- (f) The person tending the fire has tools or water adequate to contain the fire within the fire site.

3.2.1 A person may be exempt from 3.2(a) upon contacting the local Ministry of Natural Resources office for permission to conduct daytime burning.

3.3 Except in a Restricted Fire Zone, or during a Total Fire Ban, a person may start a fire outdoors during the fire season for cooking or warmth if:

- (a) The site of the fire is bare rock or non-combustible material;
- (b) The fire is at least one metre from any flammable material;
- (c) The space above the one metre area around the fire is at least three metres from vegetation and;
- (d) The fire does not exceed one metre in height and one metre in diameter.

4. REGULATION OF OUTDOOR FIRES IN RESTRICTED FIRE ZONES OR DURING TOTAL FIRE BANS

4.1 No person shall start a fire outdoors in a Restricted Fire Zone or during a Total Fire Ban unless:

- (a) The fire is in a portable stove or charcoal installation and;
- (b) In the case of a stove, it is at least one metre from any naturally occurring flammable material, and the flame in the stove can be extinguished by a fuel control valve or by closing the stove.

5. DECLARATION OF A TOTAL FIRE BAN

5.1 The Chief Administrative Officer may declare a Total Fire Ban when atmospheric conditions or local circumstances make such fires hazardous. Bans against burning shall be advertised through the local media and posted on fire hazard signs within the Municipality.

6. PENALTIES AND LIABILITY FOR EXPENSES

6.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000) exclusive of costs, and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, c. P33.

6.2 Any costs and expenses for services provided by or on behalf of the Municipality for any fire caused by or resulting from a person contravening or failing to comply with any provision of this By-law shall be a service charge pursuant to Section 220.1 of the Municipal Act, and shall constitute a debt of such person to the Municipality.

6.3 Any service charge imposed pursuant to this By-law shall be payable within fifteen (15) days after the Municipality has delivered or sent by prepaid registered post an invoice to the person responsible, and interest shall accrue and be added to the amount at the rate of 1.25% per month commencing on the 16th day following the delivery or sending of the invoice.

- 6.4 Service charges pursuant to this By-law shall be as follows:
- (a) \$300.00 for responding to a call.
- 6.5 Any person setting a fire shall be responsible for any damage to property or injury to persons occasioned by the said fire.

7. ADMINISTRATION

- 7.1 The Chief Administrative Officer has responsibility for the administration of this By-law and may delegate responsibility to any Municipal Employee.
- 7.2 This By-law applies to the entire geographic area of the Municipality.
- 7.3 By-law No. 99-86 is hereby repealed.
- 7.3 This By-law shall come into force and take effect on the day of the final passing thereof.

READ and FINALLY PASSED in OPEN COUNCIL this 23rd day of July, 2004.

THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO



Reeve



Chief Administrative Officer/Clerk

