

Open Air Burning By-Law

The Corporation of the Township of Wollaston of Hastings County.

By-law number 11-13
Repeals by-law # 60-09

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.

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 may result in a fee for service as described in Section 5. 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 6:00pm and 8:00am. The fire permit is issued to allow not more than one (1) cubic metre of material to be burned at any one time; for larger fires see additional precautions in c. below.

A person who has obtained a fire permit pursuant to this section shall:

- a. Ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire.
- b. Shall report any out of control fire to the Fire Department by calling 911.
- 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 being: a garden hose or buckets of water in a quantity no less than 2 x 5 gallon pails or equivalent. There must be an accessible source to refill pails of water.
 - ii. Any long grass around the area where the burn is to take place is to be cut back 6' from burn area.
 - iii. No burning is to take place within 20 ft of any building

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 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 accordance with the procedures of the Wollaston Waste Site and replaced.

3. A fire permit may be cancelled or suspended at any time by the Chief Fire Official or/designate. Immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire started under the permit.

4. 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.

5. 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). Permits must still be obtained.

6. All persons setting an open air fire in Wollaston Township shall:

- a. not set an uncontained fire, including but not limited to a grass fire;
- b. not set a fire and leave it unattended.
- c. not burn during a burn ban.
- d. be responsible for any damage to property or injury to persons occasioned by the said fire;
- e. 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. (as set out in Section 5 of this by-law)

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.
- d. Inability to control excessive sparks or debris.

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, or
 - c. fires set deliberately without a permit.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 "B".
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 "C" forming part of this by-law.

All By-Laws or parts of By-Laws previously passed inconsistent with the provisions of this By-Law 50-12 are hereby repealed.

Read a first, second and third time and finally passed this 26th day of March, 2013.

Dan McCaw, Reeve

Jennifer Cohen, Clerk

**The Corporation of the Township of Wollaston
Open Air Burning By-Law 11-13
Schedule "A"**

Permit for Open Fires: NO DAY BURNING FROM AND INCLUDING APRIL 1ST TO OCTOBER 31ST
between the hours of 8:00am and 6:00pm.

Permission is hereby granted to:

Name: _____ Telephone: _____

Address: _____ (include 911#) Cellular: _____

_____ E-mail: _____

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 11-13 as amended, agrees to report any fire where there is a loss of control by calling 911 and assume all responsibility for any damages/costs occurring from the fire.

Date: _____ Signature of Applicant: _____

Signature of Issuing Official: _____

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 may result in a fee for service. 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 6:00pm and 8:00am. The fire permit is issued to allow not more than one (1) cubic metre of material to be burned at any one time; for larger fires see additional precautions in c. below.

A person who has obtained a fire permit pursuant to this section shall:

- a. Ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire.
- b. Shall report any out of control fire to the Fire Department by **calling 911**.
- 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 being: a garden hose or buckets of water in a quantity no less than 2 x 5 gallon pails or equivalent. There must be an accessible source to refill pails of water.
 - ii. Any long grass around the area where the burn is to take place is to be cut back 6' from burn area.
 - iii. No burning is to take place within 20 ft of any building

**The Corporation of the Township of Wollaston
Open Air Burning By-Law 11-13
Schedule "B"**

Fees for Service

1. EQUIPMENT

- I. Pumper(s) \$250/hr
- II. Tanker(s)..... \$250/hr
- III. Other Fire Department Vehicles (including but not limited to Rescue, Equipment Vehicle, Forestry Vehicle)..... \$150/hr
- IV. Generator(s)..... \$20/hr
- V. Portable Pump(s) \$20/hr

Equipment hours are calculated to the next whole hour.

2. STAFFING

- I. Firefighter(s) \$20/hr
- II. Chief/Deputy(s) \$20/hr
- III. Public Works Staff..... \$20/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 11-13
Schedule "C"
Part 1 Provincial Offences Act Fines**

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Burning without a permit.	3.1	\$150.00
2.	Day burning 08:00 to 18:00 (from April 1, to October 31 inclusive)	3.1	\$150.00
3.	Failure to report a fire out of control	3.1.b	\$500.00
4.	Failure to extinguish fire as ordered by Chief Fire Official	3.3	\$500.00
5.	Fire unattended	3.6.b	\$250.00
6.	Burning during Fire Ban	3.6.c	\$250.00
7.	Failure to contain and control fire	3.7	\$250.00

Note: the general penalty provision for the offences listed above is Section 5 of by-law 11-13, a certified copy of which has been filed.