

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW NUMBER 26-2016

Being a By-Law for Establishing Requirements to Conduct Open Air Burning
in the Township of Greater Madawaska

WHEREAS the Fire Protection and Prevention Act, 1997, Ontario, Section 7.1 provides that a municipality may pass by-laws,

- (a) regulating fire prevention, including the prevention of the spreading of fires;
- (b) regulating the setting of open air fires, including establishing the times during which open air fires may be set.

And to appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with. 2001;

AND WHEREAS the Municipal Act S.0 2001, Ontario, section 391.1 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by, or on behalf of it;

AND WHEREAS, the Council of the Corporation of the Township of Greater Madawaska deems it expedient to exercise the powers vested in it by the said Acts;

NOW THEREFORE, the Council of the Corporation of the Township of Greater Madawaska enacts as follows:

1.0 DEFINITIONS

In this By-Law,

- a. **“Approved Pit”** means an area of ground that has been completely cleared of combustible material and lined with sand or mineral soil that will extend a minimum of 30cm (12 inches) beyond the limit of the fuel used for the Camping Fire.
- b. **“Authorized Agent”** means any person authorized by the Fire Chief or the Council of the Township to carry out those duties.
- c. **“Incinerator”** means an enclosed chamber constructed for the purpose of burning materials
- d. **“Campfire”** means an open air fire having a maximum fuel volume of 1 metre X 1 metre X 1 metre (3 feet X 3 feet X 3 feet), that is set or maintained in an approved pit or outdoor fireplace and is used solely for the purposes of cooking food, providing warmth or recreational enjoyment.
- e. **“Council”** means the elected Council of the Corporation of the Township of Greater Madawaska.
- f. **“Household Waste”** means any solid waste, composed of garbage or rubbish, which normally originates in a private home.
- g. **“Open Air Fire”** means a fire set in the open air for the purpose of burning brush or other approved combustible material, and includes fires in incinerators and pits, but does not include cooking fires, campfires and barbeques.
- h. **“Outdoor Furnace”** means, but is not limited to, any enclosed device , appliance or structure that is designed , intended and/or used to provide heat and/or hot water to any associated structure, that operates by burning wood or any other fuel specifically meant for that device.
- i. **“Permit”** means a permit issued by the Township of Greater Madawaska signifying permission to set or maintain or allow being set or maintained, an open air fire, and establishing the conditions under which the permission is granted.

- j. **“Person”** includes an association, firm, partnership or corporation.
- k. **“Prohibited Materials”** means any materials such as, but not limited to, household waste, petroleum products, plastics, rubber products, painted lumber, household contents or any other item that could cause noxious or toxic smoke or fumes.
- l. **“Township”** means the Corporation of the Township of Greater Madawaska.
- m. **“Burn Barrel”** means a receptacle used to burn debris with an open outlet.
- n. **“Village/hamlet”** means the Village of Calabogie as set out in Schedule “C”.

2.0 GENERAL REGULATIONS

No person shall at any time:

- a. Without first obtaining a Permit from the Township or its authorized agent, set, maintain or allow being set or maintained, any open air fire that is not a camping fire as defined in this By-Law and maintained within an approved pit.
- b. Burn any prohibited materials as defined in this By-Law.
- c. Burn any materials where the smoke impedes visibility on any public thoroughfare.
- d. Burn standing vegetation including grass.
- e. Burn any material within 10 metres (30 feet) of a building or wooded area, or 5 metres (15 feet) of any other flammable material.
- f. Set, maintain, or cause to be set or maintained, any open air fire:
 - 1. That is oversized having a maximum fuel volume greater than 2 metres in diameter and 2 metres high.
 - 2. That is outside the restrictions of this By-Law, unless a special burn permit is issued by the Fire Chief or designate.
- g. Set, maintain, or cause to be set or maintained, an open air fire, during the Provincial Fire Season (1st day of April to the 31st day of October), contrary to Ontario Regulation 207/96. The fire shall be started not earlier than two hours before sunset, and extinguished not later than two hours after sunrise the following day.
- h. Set, maintain, or cause to be set or maintained, an open air fire, with the exception of a campfire, within the geographical limits of municipal villages or hamlets.

3.0 INCINERATORS AND OUTDOOR FURNACES

- 3.1 No person shall at any time use an incinerator or burn barrel without a permit.
- 3.2 Incinerators and burn barrels used in accordance with a permit shall be limited to burn paper, cardboard and vegetation only.
- 3.3 No person shall at any time, use or allow to be used, an incinerator with an outlet mesh size greater than 5 millimeters.
- 3.4 No person shall at any time, burn or allow to be burned, household waste or prohibited materials in an incinerator.
- 3.5 No person shall, at any time, burn or allow to be burned, household waste or prohibited materials in an outdoor furnace.
- 3.6 No person shall, at any time, use or allow to be used, a burn barrel without an outlet covering mesh size greater than 5 millimeters.

4.0 SAFETY

- 4.1** No person shall, at any time, set, maintain or allow being set or maintained an open air fire except where:
- a. Such fire is under constant supervision of a competent person of 18 years or older.
 - b. A valid authorized open air burning permit issued by the Municipality is in effect.
 - c. All conditions as detailed on the permit have been followed.
 - d. Equipment and other resources capable of **controlling** and **extinguishing** open air fires shall be available and maintained at the site until the fire is fully extinguished.
- 4.2** Despite an open air burning permit being issued, no person at any time set, maintain or allow to be set or maintained, an open air fire where the weather conditions have changed to create dangerous conditions for the setting of the fire.
- 4.3** Where an open air burn under a valid permit has been set and the weather conditions change to the presence of winds in excess of 10 km/hr., the permit holder shall ensure that the fire is extinguished immediately.
- 4.4** Every person setting or maintaining a campfire shall ensure that such campfire is set or maintained in an approved pit or appliance.

5.0 FIRE BANS

- 5.1** The Fire Chief or authorized agent may, at any time, and in the exercise of his/her sole discretion, issue a fire ban, effective for a specified period of time, prohibiting the setting of any and all open air fires within any area of the Township based on MNR Guidelines, MNR indices ratings or local conditions.
- 5.2** No person shall at any time while a level one (1) fire ban is in effect, set, maintain or allow any open air fire other than a campfire.
- 5.3** No person shall at any time while a level two (2) fire ban is in effect:
- a. Set, maintain, or allow any open air fire of any kind.
 - b. Set, maintain or allow a fire in an incinerator.
 - c. Outdoor furnaces as defined are exempt.
 - d. Enclosed barbeques fueled by propane or charcoal are exempt.
- 5.4** The Fire Chief will assess the need for a total or partial fire ban on a daily basis and will downgrade or cancel the fire ban as soon as possible based on MNR indices and conditions.
- 5.5** Notwithstanding any other provisions of this By-Law, the Fire Chief or agent may revoke any or all permits, refuse to issue permits where one or more of the following conditions exist in respect of, or in proximity to, the proposed open air burning site:
- a. A lack of precipitation that, in the opinion of the Fire Chief, increases the risk of the spread of fire.
 - b. Winds that, in the opinion of the Fire Chief, increase the risk of the spread of fire.
 - c. The issuance, by the Fire Chief, Fire Marshall, or other fire officials (MNR) in the exercise of his/her statutory powers, of a fire ban.
 - d. Any other condition that in the opinion of the Fire Chief will increase the risk of spread of fire.
- 5.6** The Fire Chief may, at their sole discretion, refuse to issue a requested fire permit.

6.0 ADMINISTRATION AND ENFORCEMENT

This By-Law shall be administered and enforced by the Fire Chief.

7.0 POWERS OF INSPECTION

7.1 The Fire Chief, agent or designate, may, at any time, inspect any open air fire to ensure the provisions of this By-Law have been complied with, and the person who is in care and control of the fire shall grant unobstructed access to such fire.

7.2 Upon inspection, the Fire Chief, agent or designate:

- a. Is entitled to request and have produced, any relevant permit(s) issued by the Township with respect to the open air fire being inspected.
- b. May, where there are reasonable and probable grounds that any offence under this By-Law has been committed, order immediate extinguishment. In the case where means of extinguishment are not available, call for resources to extinguish the fire.

8.0 PENALTIES

8.1 Any person who contravenes any provision of this By-Law is guilty of an offence and shall be subject to such penalties as laid out in this By-Law and the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended.

8.2 In addition to any fines or penalties levied by a court upon conviction, the person(s) responsible for setting, maintaining or allowing to be set or maintained, an open air fire, shall be liable to the Township by way of fees or charges in accordance with Schedule "A" to this By-Law, on account of those costs incurred by the Township in:

- a. Investigating and responding to a complaint made to the Township or fire department by any person acting reasonably and in good faith as to a contravention to this By-Law.
- b. The dispatching of fire department personnel and vehicles for the purpose of extinguishing the open air fire.
- c. Where extinguishment requires additional outside resources.

8.3 All fees and charges are payable within a reasonable time at Councils' discretion.

8.4 All fees and charges payable under this By-Law constitute a debt of the person liable for payment of them to the Township. In the case of a property owner, the Township at its discretion, may attach amount owing to property tax roll and collect in a like manner as municipal taxes.

9.0 PENALTY PROVISIONS

Every person who contravenes, causes, or permits the contravention of any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

10.0 SEVERABILITY

A decision of a competent court that one or more provisions of this By-Law are invalid in whole or in part, does not affect the validity, effectiveness or enforcement ability of the other provisions or part of provisions of this By-Law

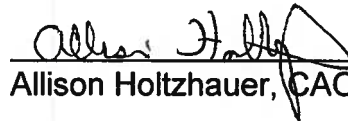
THAT This By-Law rescinds By-Law 14-2015

THAT this By-Law shall come into force and take effect immediately upon the passing thereof.

READ a first and second time this 10th day of May, 2016

READ a third time and passed this 10th day of May, 2016


Glenda McKay, Mayor


Allison Holtzauer, CAO/Clerk Treasurer



Schedule "A"
By-Law 26-2016

Item	Short Form Wording	Provision	Set Fine
1	Set , maintain or allow open air fire without permit	2.0(a)	\$300.00
2	Burn prohibited materials	2.0(b)	\$250.00
3	Set or maintain an oversized open air fire	2.0(f)(1)	\$250.00
4	Set or maintain an open air fire within 10m of building	2.1 (e)	\$250.00
5	Set or maintain an open air fire within 5m of flammables	2.1 (e)	\$250.00
6	Burn restricted materials no special permit	2.0(f)(2)	\$500.00
7	Burn prohibited materials in incinerator	3.3	\$250.00
8	Burn prohibited materials in outdoor furnace	3.4	\$250.00
9	Set or maintain fire with underage supervision	4.1(a)	\$250.00
10	Set or maintain fire with no control measures on site	4.1(d)	\$250.00
11	Set or maintain fire during adverse conditions	4.2;4.3	\$250.00
12	Campfire not in approved pit	4.4	\$250.00
13	Set or maintain fire during level 1 fire ban	5.2	\$500.00
14	Set or maintain fire during level 2 fire ban	5.3	\$500.00
15	Set or maintain a campfire during level 2 fire ban	5.3(a)	\$500.00
16	Set or maintain a fire in an incinerator during level 2 ban	5.3(b)	\$500.00

SCHEDULE "B"
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Schedule of fees

1. Respond to, and investigate a complaint in regards to a possible violation under Section 2.0 of the Open Air Burn By-Law
 - a. Fee of \$75.00 per response payable by the permit holder, or person setting, maintaining, or allowing such fire to be lit, if the complaint is substantiated.

2. Dispatch of fire fighters
 - a. To be calculated at current rate of fire fighter pay. Initial two (2) hour at set rate and hourly rate thereafter.

3. Dispatch of fire fighting vehicles
 - a. \$410.00 per vehicle per hour rate as set by the MTO.

4. Outside agencies required for extinguishment
 - a. Invoiced amount to be recovered if outside agencies are required to assist in extinguishment of fire.

SCHEDULE "C"

BY-LAW 26-2016

The Village of Calabogie, for the purposes of this bylaw, is comprised of the following areas:

12600 – 12830 Lanark Road
504 – 729 Mill Street
4709 – 4987 Calabogie Road
19 – 23 Parnell Street
13 – 25 Mowat Street
1012 – 1020 Madawaska Street
508 – 516 Blake Street
506 – 516 Gladstone Street
15 – 33 Octagon Lane
22 – 34 O'Neill Point Road
1031 – 1074 Francis Street
9 – 17 Leclerc Lane
8 – 24 Trailer Lane

Exception is 758 Mill Street (County of Renfrew Garage)