

THE CORPORATION OF THE TOWNSHIP OF FARADAY

BY-LAW NO. 13-2015

Being a by-law to regulate the setting of open air fires and provide for fees for contravention of this by-law and costs of suppression.

WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, c4, as amended provides:

- in subsection 7.1(1)(a) that a Council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading of fires;
- in subsection 7.1(1)(b) that a Council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;
- in subsection 7.1(4) that a municipality may 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 sections are being complied with;

AND WHEREAS paragraph 2.6.3.4 of the Fire Code provides that open air burning, shall not be permitted unless approved by the Fire Chief, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food or a grill or a barbeque;

AND WHEREAS Section 391 of the Municipal Act, 2001 c.25 as amended, authorizes Councils of local municipalities to pass by-laws imposing fees for the services provided;

AND WHEREAS the Council of the Corporation of the Township of Faraday feels it is imperative that a procedure for permission to openly burn be established;

AND WHEREAS this by-law replaces By-Law No.6-2003 being a by-law to regulate open Air Fires, Incinerator Fires, and Outdoor Furnace Fires.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Faraday **ENACTS AS FOLLOWS:**

1. **SHORT TITLE**

This by-law may be cited as the "Burning By-Law"

2. **DEFINITIONS**

- 2.1 **Fire Chief:** means the Fire Chief of the Township of Faraday Fire Department or such designate appointed by the Fire Chief, or designated under this by-law, acting under the Fire Chief's direction.
- 2.2 **Fire Department:** means the Township of Faraday Fire Department and any member thereof
- 2.3 **Open Air Burning:** means the burning of any material outside of a building, including without limiting the generality of the foregoing, wood, cardboard, brush or garden waste where the flame is not wholly contained and is thereby, open to the air.
- 2.4 **Incinerator:** means an enclosed device used to burn wood, shavings, leaves, and other Class "A" combustibles in an open area.
- 2.5 **Outdoor Wood Burning Furnace:** means a device used to burn wood set adjacent to and exterior to a building to provide heat to that building.
- 2.6 **Burning Fire Permit:** means a permit to burn, issued and signed by the Fire Chief or his / her designate. Blank permit applications are available during regular office hours, at the Township Municipal Office and must be submitted for approval by the Fire Chief or his / her designate. Persons requiring a permit are advised to apply at least 48 hours in advance of their proposed burning date.
- 2.7 **Restricted Fire Zone:** means complete bans of all open fire in a defined area and is enforced by the Ministry of Natural Resources under the Forest Fire Prevention Act.
- 2.8 **Municipal Fire Ban:** means a complete ban of all open fire within the boundaries of the Township of Faraday and as enforced by the Chief Fire Official under this By-Law and the Fire Prevention and Protection Act.
- 2.9 **Class "A" Materials:** means combustible materials that are generally carbon based such as wood, paper, leaves, grass and are of a less toxic nature than petroleum based combustibles such as plastics.
- 2.10 **Township:** means The Corporation of the Township of Faraday.

- 2.11 **Fire Season:** means that period from April 1 to October 31, when open fire is more strictly regulated due to the increased hazard and potential for loss.
- 2.12 **Day Burning:** Means the use of open fire from two hours after sunrise through to two hours before sunset

3. **REGULATIONS FOR OPEN AIR BURNING**

The following regulations shall apply with respect to open air burning:

- 3.1 No person shall ignite an **open air burn** without first obtaining a **Burn Permit**, other than a small fire for cooking or warmth, from two hours after sunrise until two hours before sunrise, during the period from April 1 to October 31, which is the **Fire Season**
- 3.2 Notwithstanding 3.1, above, Day Burning is allowed under defined conditions through the issuing of a Burning Fire Permit which is available during regular hours at the Township Municipal Office.
- 3.3 A person capable of containing or extinguishing a fire, and who has obtained a **Burn Permit** may burn; piled wood, brush, or discarded wood by-products provided:
- (a) The fire is ignited two hours before sunset, or later and is Extinguished by two hours after sunrise or earlier
 - (b) The fire is tended by a person capable of extinguishing the fire until the fire is out;
 - (c) The pile is less than 2 meters in height and less than 2 meters in diameter;
 - (d) The fire is at least 5 meters from any building, structure, hedge, fence, vehicular roadway, overhead wiring and combustible materials or any object or material which has the potential to ignite;
 - (e) The person capable of extinguishing the fire has adequate tools and water and human resources to contain the fire.
- 3.4 A person capable of containing or extinguishing a fire, and who has obtained a **burn permit** may burn grass and leaves provided:
- (a) The fire is tended by a person capable of extinguishing the fire until it is out;
 - (b) The area to be burned is less than 1 hectare;
 - (c) The length of burning edge is less than 12 meters;
 - (d) The person capable of extinguishing the fire has adequate tools, human resources and water to contain the fire.
- 3.5 Notwithstanding 3.3 and 3.4, above, no person shall set an **open air burn** during a **restricted fire zone** or a **municipal fire ban**.
- 3.6 Notwithstanding 3.3 and 3.4, above, no person shall continue to burn when wind conditions or other factors 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 brush areas;
 - (c) an adverse effect on neighboring lands or persons.
- 3.7 Any person setting an **open air burn** is responsible for the care and control and containment of the said fire until it is completely extinguished. Persons setting any fire within the Township of Faraday shall ensure that they can, if needed, summon assistance from the Township of Faraday Fire Department without delay and that adequate means of extinguishing the fire are available at the site at all times during the fire and, in particular, that the firefighting materials set out on any required permit shall be available where prescribed at all times during the fire.
- 3.8 Any fire out of control shall be reported to the fire department by calling 911. A person who sets an **open air burn** and loses control of the said fire is required by this by-law to report the fire and loss of control to the fire department immediately by calling 911.
- 3.9 The Fire Chief or his / her designate is authorized to order any person to extinguish any fire or to cause such a fire to be extinguished when there is a breach of any provisions of this by-law or where in the opinion of the Fire Chief or his / her designate, there is a danger of such fire spreading or causing the spread of fire or otherwise endangering life or property and the person shall comply with any such order.

- 3.10 A person setting a fire contrary to the provisions of this by-law shall immediately extinguish such fire and a person setting a fire which they may be unable to prevent from spreading shall immediately extinguish such fire and in default of doing so this municipality may do so at that person's expense and this municipality may recover the expense in doing so by action, or the same may be recovered in like manner as municipal taxes.

4. **REGULATIONS FOR INCINERATORS**

The following regulations shall apply with respect to incinerators:

- 4.1 The installation, use and maintenance of incinerators for the burning of wood like materials, paper and other Class "A" materials within the Township of Faraday will only be permitted pursuant to the following criteria:
- (a) Incineration must be undertaken through the use of an enclosed device and
 - (b) Incinerators must be located at least 5 meters from any forest or any building and
 - (c) Incinerators must be located at least 5 meters from any combustible material and;
 - (d) Incinerators must be covered by mesh less than 5 millimeters in size and;
 - (e) Incinerators are subject to all the provisions of Section 3 – Open Air Burning and;
 - (f) Incinerators shall not be used during a **municipal fire ban**

5. **REGULATIONS FOR OUTDOOR WOOD BURNING FURNACE**

The following regulations shall apply with respect to outdoor wood burning furnaces:

- 5.1 An outdoor wood burning furnace shall be equipped with a spark arrestor on the flue when used during the fire season or any other time when in the opinion of the Fire Chief, sparks could contribute to the spread of fire.
- 5.2 The outdoor wood burning furnace is subject to Sections 4.6 and 4.9 of this by-law due to its unique burning characteristics, which can produce heavy volumes of smoke and/or sparks and cinders.
- 5.3 The outdoor wood burning furnace shall not be used to burn garbage. It is designed to burn wood only.
6. Every person burning under the authority of a burning permit shall comply with all provisions of Schedule "B" of this By-Law.
7. Every person being the holder of a burning permit shall upon request of the Fire Chief or his / her designate of the Township of Faraday produce said permit.
8. This By-Law shall be administered by the Fire Chief or his/her designate of the Township.
9. The Fire Chief or his / her designate may, at any time, and in the exercise of his or 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. During this time all Burning Permits will be revoked.
10. The Fire Chief or his / her designate may revoke any or all "permits", or refuse to issue "permits" where, in the opinion of the Fire Chief or his / her designate, the ability to control the fire is hampered by the existence of a Dangerous Condition, which exists on or in the proximity of the proposed Open Air Burning site.
11. The Township of Faraday shall levy the fees as set out in the attached Schedule 'C' which fees shall be due and payable to the Township of Faraday for each occasion upon which the Fire Department attends at the site of an open air fire at which there is no permit holder or at which the provisions of Schedule 'B' of the fire permit have been contravened. Said fees are payable to the Township of Faraday by the party or parties who are deemed by the Fire Chief or his / her designate, to be responsible for the cause of the fire.
12. Where said fees are not paid within thirty days of the date of demand, said fees will be added to the tax roll of the Township of Faraday and will be collected in like manner as municipal taxes.
13. 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 or penalty for each offence established pursuant to the Provincial Offences Act and included with Schedule 'D' forming part of this by-law.

14. The Fire Department shall be exempt from the provisions of this By-Law with respect to open air burning set for the purposes of educating and the training of individuals.
15. In the event any Court of competent jurisdiction should adjudge that any section or sections of this By-Law may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the By-Law and the remainder of the By-Law shall stand and be enforceable to the same extent as if the offending section or sections had not been included therein.
16. By-Law No. 6-2003 is hereby repealed.
17. This By-Law shall come into force and effect upon receipt of approval from the Ontario Court of Justice for the Fines as set out in Schedule 'D' attached.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 1st DAY OF APRIL, 2015


C. A. Tinney, Reeve


Brenda Vader, Clerk

SCHEDULE "A"
(To By-Law No. 13-2015)

The Corporation of the Township of Faraday

BURNING PERMIT

In accordance with the requirements of the Township of Faraday By-Law No 13-2015 and subject to the limitations thereof, and subject also to the terms and conditions of Schedule "B", this permit is issued to:

Name of permit holder (please print)

Address

City / Town

Province

Postal Code

Telephone Number

Email Address

to start a fire upon the following lands in the Township of Faraday:

Civic Address or **Lot / Concession**

For the purpose of: Incinerator ()

 Burning Brush ()

 Land Clearing ()

 Other

from and including:

Day / Month / Year

to and including:

Day / Month / Year

Signature of Fire Chief or Designate

Date

Signature of Permit Holder

Date

Notify your neighbors' before all burning

To check Fire Conditions before burning Call 613-334-6956

Fire Chief must be called before starting to burn and when burn completed
613-334-6956

Personal information on this form is collected under the authority of the Municipal Act R.S.O. 1990, c.M.45 and will be used for the purpose of regulating and administering By-Law No. 13-2015 in the Township of Faraday.

TO REPORT FIRES DIAL 911

Schedule "B" (to By-Law No: 13-2015)
The Corporation of the Township of Faraday

Burning Terms and Conditions

The following are the burning terms and conditions set for allowable burning within the Township of Faraday.

- 1) The permit holder shall keep a valid burning permit and a copy of the terms and conditions at the site of the burning operation conducted under the permit.
- 2) The person in charge of the burning operation conducted under this permit shall produce and show the permit to any of the following persons: Fire Chief or his / her designate of the Township whenever requested.
- 3) The fire is tended by at least one (1) capable person until out and that person has adequate knowledge, tools and water to contain the fire.
- 4) The area to be burned must be less than 2 meters (6.5 ft.) by 2 meters (6.5 ft.).
- 5) The length of burning edge must be less than 12 meters (39.0 ft).
- 6) The pile must be less than 2 meters (6.5 ft.) high.
- 7) The fire must not be less than 5 meters (16 ft.) from any building, structure, hedge, fence, vehicular roadway, overhead wiring, and combustible materials or any object or material which has the potential to ignite.
- 8) No piles to be burned shall be greater than 2 meters (6.5 ft) high and 2 meters (6.5 ft) in diameter. Piles must be separated by a minimum of 10 meters (32.5 ft). No more than one pile can be burning at any time.
- 9) At no time will any materials be ignited or allowed to burn if wind conditions are such that burning embers, particles or smoke are, or could pose a threat or inconvenience to any persons or properties.
- 10) The permit holder and/or the corporation, company, agency, club or group represented by the permit holder assumes full responsibility for: a) Any injuries to persons or damages to properties resulting from the fire or its products, and b) any costs incurred by the Township, including wear or damages to equipment, to control or extinguish the fire and / or other fires caused by said fire or its products.
- 11) All residual materials not consumed by the fire must be removed within twenty-four (24) hours from the time of extinguishment, stipulated in the permit, to a proper garbage receptacle or to designated dump. Note: it is the permit holder's responsibility to ensure all residual ashes are completely extinguished and cool before removing and discarding.

12) **Special terms and conditions:**

Incinerator burning:

- All burning must be in an enclosed device.
- At least 5 meters (16.25 ft) from any forest or any building.
- At least 2 meters (6.5 ft) from any combustible materials.
- Covered by mesh less than 5 millimeters (0.19 in) in size.
- A responsible adult must monitor the fire until out.

Open air burning:

- The Fire Department must be notified before start of burn and when burn is completed.
- Open air burning must be supervised by a competent person.
- Open air burning is not permitted when the wind speed exceeds 30 kilometers per hour, during a restricted fire ban, or when a smog alert has been declared by the Ministry of Environment or when the Natural Resources Canada fire danger rating is greater than low.
- Open air burning must be confined to an area that is at least 5 meters (16.25 feet) from any building, highway, road, or wooded area.
- Steps must be taken to ensure that smoke does not have a negative impact on motorists using roads in the vicinity of the burn.

DURING A RESTRICTED FIRE BAN AS ANNOUNCED BY THE TOWNSHIP OF FARADAY FIRE CHIEF. ANY AND ALL BURNING PERMITS ARE REVOKED UNTIL THE BAN IS LIFTED.

I have read, understand and agree to allow the above terms and conditions of burning within the Township of Faraday.

Signature of permit holder

Schedule "C" (to By-Law No: 13-2015)

The Corporation of the Township of Faraday

EQUIPMENT

RATE

Pumper
hour

\$150.00 per

Tanker
hour

\$150.00 per

Emergency / Equipment Van
hour

\$100.00 per

Firefighter
hour

\$20.00 per

In any case where a fraction of an hour is charged, the fee shall be taken to the next full hour – i.e. – equipment committed for 1.25 hours will be charged for 2 hours.

NOTE: all consumables used (i.e. foam etc.) shall be replaced by the person(s) whose fire was extinguished, at cost.

SCHEDULE "D"

TOWNSHIP OF FARADAY

TOWNSHIP OF FARADAY

BY-LAW NUMBER: 13-2015

TITLE: BURNING BY-LAW

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision Creating Or Defining Offence	<u>COLUMN 3</u> Set Fine (Includes Costs)
1	Burning material(s) without a Burning Permit	Section 3.1	\$200.00
2	Burning material(s) with a size greater than 2 meters by 2 meters	Schedule "B" (4)	\$200.00
3	Burning material(s) with burning edge greater than 12 meters	Schedule "B" (5)	\$200.00
4	Failure to have a capable person tending fire	Schedule "B" (3)	\$200.00
5	Burning material(s) closer than 5 meters to a building	Schedule "B" (7)	\$200.00
6	Burning material(s) closer than 5 meters to a structure	Schedule "B" (7)	\$200.00
7	Burning material(s) closer than 5 meters to a hedge	Schedule "B" (7)	\$200.00
8	Burning material(s) closer than 5 meters to a fence	Schedule "B" (7)	\$200.00
9	Burning material(s) closer than 5 meters to a vehicle roadway	Schedule "B" (7)	\$200.00
10	Burning material(s) closer than 5 meters to overhead wiring	Schedule "B" (7)	\$200.00
11	Burning pile with a size greater than 2 meters high by 2 meters in diameter	Schedule "B" (8)	\$200.00
12	Burning more than one pile at the same time	Schedule "B" (8)	\$200.00
13	Burning material when wind may cause fire to spread	Schedule "B" (9)	\$200.00
14	Burning material when wind may cause excessive smoke or odor to cause discomfort to persons in the vicinity	Schedule "B" (9)	\$200.00
15	Failure to follow terms and conditions for Incinerator burning	Schedule "B" (12)	\$200.00
16	Failure to follow terms and conditions for Open Air Burring	Schedule "B" (12)	\$200.00