

**THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN**

BY-LAW NO. 2001-47

BEING a By-law to establish Open Air Burning Procedures.

WHEREAS Section 210 (35) of the Municipal Act, c.M45 R.S.O. 1990. Paragraph 35 provides that Council of local municipalities may pass by-laws for prescribing for the whole or any part of the municipality, times during which fires may be set in the open air and the precautions to be observed by persons setting fires.

AND WHEREAS Section 220.1(2) of the Municipal Act, cM45, R.S.O. 1990, provides that despite any Act, a municipality may pass by-laws imposing fees or charges on any class or persons;

AND WHEREAS the Fire Marshalls Act, R.S.O. 1990, c.F15 as amended, Section 19, subsection 2.6.3.4 of the Ontario Fire Code provides that open air burning shall not be permitted unless approved or unless such burning consists of a small contained fire supervised at all times and used to cook food on a grill or a barbecue;

NOW THEREFORE the Council of the Corporation of the Municipality of Powassan enacts as follows:

1. For the purposes of this by-law, the following definitions shall apply:
 - a) "Agricultural Waste" shall include any animal fecal deposits or manure, and animal carcasses;
 - b) "Approved" means as approved by the Chief Fire Official or his/her designate;
 - c) "Campfire" means a small contained fire supervised at all times used to cook food or to provide warmth within an approved location under the conditions and terms of the Open Air Fire Burning Permit as issued;
 - d) "Domestic Waste" shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics, and any other materials which contents include any of the aforementioned;
 - e) "Incinerator" means an enclosed device used to burn approved refuse and detailed in Schedule "B" of the By-law;
 - f) "Industrial Waste" shall include used automobile and truck bodies, tires, oil, grease, paint, cloth rags, or other material which contents include any of the aforementioned.

2. This by-law shall apply to all land within the geographical limits of the Municipality of Powassan and to the setting of fires in the open air (fires) on any such land.

3. A fire wholly contained within a permanent or portable barbecue that is used for the preparation of food for human consumption shall not be deemed to be a fire for the purposes of this by-law.
4. No person(s) or owner(s) of land shall:
 - a) set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained a fire permit. In the form attached as Schedule "A" or in accordance with Schedule "B" Incinerator, from the Chief Fire Official or his/her designate, and in accordance with the provisions of the permit and this by-law;
 - b) set a fire or allow a fire to burn in any highway, park, walkway, public land, or upon any land owned by The Corporation of the Municipality of Powassan without having first obtained permission to do so from the Chief Fire Official or his/her designate;
 - c) burn industrial waste, agricultural waste, domestic waste, petroleum products, plastics, rubber, painted lumber, mixed demolition debris or anything else that will cause excessive smoke or fumes in addition to any other materials identified in the regulations contained in the Environmental Protection Act;
 - d) set a fire or allow a fire to burn on any land of which he/she is not the registered owner, without the written permission of the registered owner.
5. Where an Open Air Fire Burning Permit pursuant to this By-law has been issued, the applicant and the owner shall jointly and severally be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting the fire to burn and to insure that:
 - a) only dry material is burned (including leaves);
 - b) the fire is kept at least 6 meters from any dwelling and/or from any structure;
 - c) the fire is attended at all times until it is completely extinguished;
 - d) sufficient equipment and resources are available at the burn site to extinguish the fire if the fire gets out of control or is causing any adverse effect including those set out in Section 6 below;
 - e) no damage results to property or injury to persons with respect to the setting of a fire or permitting the fire to burn;
 - f) at the end of the burn, that the fire is completely extinguished before leaving the burn site.

6. Where an Open Air Fire Burning Permit, pursuant to the By-law has been issued no person shall:
 - a) set a fire or permit a fire to burn when the wind is in such a direction or of such an intensity to create a decrease in the visibility on any highway or to cause danger to any person or structure;
 - b) create, by the setting or burning of the fire, any odour which causes discomfort to any person residing in the area;
 - c) set a fire or permit a fire to burn without first having confirmed that the materials to be burned meet the requirements of the Environmental Protection Act.
 - d) Not set a fire within 13 meters of any lot line.
7. An Open Air Fire Burning Permit may be cancelled or suspended at any time by the Chief Fire Official or his/her designate and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire started under the permit.
8. Notwithstanding the provisions of Section 4, 5 and 6 hereof the Chief Fire Official may, upon application, approve setting of any fire subject to the fire being supervised by the Fire Chief of the Town of Powassan or his/her designate.
9.
 - a) The fee for the issuance of an Open Air Fire Burning Permit shall be as outlined in the current user fee charges by-law for the Municipality of Powassan;
 - b) notwithstanding paragraph 9(a) herein, the Chief Fire Official or designate may issue an Open Air Fire Burn Permit on an annual basis in the form of Schedule "A" for burning as defined in the By-law.
 - c) If the Fire Emergency Services is called to a fire set or permitted to burn, in violation of the by-law, the person who set the fire, or allowed it to burn, and the owner of the land, if the owner permitted the fire to be set or Permitted the fire to burn, shall forthwith pay, upon demand, the costs incurred by the Fire and Emergency Services including the use of personnel, equipment and apparatus necessary to extinguish any fire set burning contrary to this by-law or contrary to any permit issued under this by-law by paying the fees as outlined in the current user fee charges by-law for the Corporation of the Municipality of Powassan;
 - d) time will be charged from the receipt of the alarm through to the time responding personnel leave the location of the fire, to return to their station.

10. If any person fails to pay the fees set out, forthwith upon demand, the amount of the fee in default may, in addition to any other remedies the Municipality of Powassan may have, be recovered by the Corporation of the Municipality of Powassan in like manner as municipal taxes in accordance with Section 220,1 (11) of the Municipal Act, c.M45 R.S.O. 1990, against the owner of the land, if the owner set the fire, allowed the fire to burn, or permitted the fire to be set out to burn, in violation of this by-law or any permit issued under this by-law.
11. Every person who contravenes any provision of this by-law is guilty of an offence and may be charged in accordance with the terms of the Fire Marshall's Act, R.S.O. 1990, c.F15 as amended, Section 19, subsection 2.6.3.4. of the Ontario Fire Code in addition to the requirement to pay the fee set out above; or may be charged with an offence under the Provincial Offences Act under this By-law.

Read a first and second time this 20TH day of February, 2001
on motion of Fred Busch
seconded by Clarence Hummel

Read a third time and finally enacted this 20th day of February, 2001 on motion of Ray
Tester
seconded by Carole Dobbs.

Mayor

Clerk

Fire

Administration Fee for Motor Vehicle Accident and Motor Vehicle Casualties

First hour per vehicle \$300.00

Each additional half hour per vehicle \$120.00

Administration Fee for calls to Open Fires Without Permits

First hour per vehicle \$300.00

Each additional half hour per vehicle \$120.00

Equipment Rental

First hour per vehicle \$300.00

Each additional half hour \$120.00

“Schedule B to By-law 2001-47”

HOME INCINERATOR

For Your Safety and Protection

OBTAIN A BURNING PERMIT PRIOR TO ANY BURNING

BURN IN A SAFE INCINERATOR

Use a Metal Barrel in good condition.

Heavy Screen Mesh:

Heavy duty Screen with mesh size not greater than 7 mm.

Help Combustion and Clean Burning:

Punch holes and shove steel rods or pipes through barrel. This will hold burning material up and give a clean fast burn.

Ground cleared and Maintained:

At least 2 meters around incinerator of all material that could cause your fire to escape. More clearance may be required.

Draft Holes:

Near the bottom not larger than 2.5 cm. in diameter.

Screen hinged and weighted to prevent from falling or blowing off your incinerator.

1. Burn in a safe incinerator.
2. Place your incinerator in the middle of a circle cleared to mineral soil.
3. The incinerator must be at least 8 meters from a forest, woodland or adjacent to property line.
4. Burn after 6:00 p.m. when winds are lowest and humidity is highest.
5. **NEVER! Leave your fire unattended.**
6. Do not burn on windy days.
7. During periods of high and extreme winds or dry spells, Open Air Fire burning permits may be cancelled...

IF YOUR FIRE ESCAPES, YOU MAY BE LIABLE FOR COSTS OF FIRE FIGHTING AND DAMAGE TO OTHERS.