

The Corporation of the Township of Hornepayne

BY-LAW NO. 948

Being a by-law of the Corporation of the Township of Hornepayne prescribing times for setting fires and precautions to be observed.

WHEREAS Section 7.1 of the Fire Protection and Prevention Act, S.O. 2002, c.4, as amended, provides that Councils of municipalities may pass by-laws for regulating the prevention of the spreading of fires and the setting of open fires including times during which they may be set; and

WHEREAS the Forest Fires Prevention Act, R.S.O. 1990, c.F.24 and O. Reg. 207.96 provide rules for outdoor burning within the Fire Regions;

NOW THEREFORE the Council of the Corporation of the Township of Hornepayne hereby enacts the following:

DEFINITIONS

1. In this by-law;

“**Approved**” means approved by the Chief Fire Official;

“**Chief Fire Official**” means the local municipal Chief Fire official as defined in the Ontario Fire Code;

“**Fire Region**” means that part of the province of Ontario as described in O. Reg. 207/96 under the Forest Fires Prevention Act;

“**Fire season**” means the period from the 1st day of April to the 31st day of October in each year or as determined by the Minister of Natural Resources;

“**Municipality**” means the municipality of the Township of Hornepayne.

BURNING RESTRICTIONS

2. (1) No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment.
- (2) No person who starts a fire outdoors shall leave the fire without leaving a competent person in charge of the fire.
- (3) A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.
- (4) No person shall start or tend a fire outdoors except on land they legally occupy or unless they have the permission of the person who has lawful occupation of the property on which the fire is started.

Burning Restrictions continued

3. Except as noted in Section 9, all persons setting an open-air fire in the Township of Hornepayne shall first obtain a fire permit from the municipal office and the following conditions must be satisfied when burning:
 - i. The person is burning nothing other than piled wood, brush, leaves, or discarded wood by-products.
 - ii. The material is burned in a single pile that is less than two metres in diameter and less than two metres high.
 - iii. The fire is started not earlier than two hours before sunset, and is extinguished not later than two hours after sunrise the following day, or earlier, during the fire season.
 - iv. The fire is at least two metres from any flammable materials.
 - v. The person tending the fire has tools and/or water adequate to contain the fire within the fire site.
4. All persons setting a fire in an outdoor incinerator, in the Township of Hornepayne shall first obtain a fire permit from the municipal office pursuant to the following conditions:
 - i. The person is burning nothing other than wood, brush, leaves or discarded wood by-products.
 - ii. The incinerator is an enclosed device constructed entirely of non-combustible material, which is not capable of holding more than one cubic metre of unburned material.
 - iii. The incinerator is at least five metres from any forest or woodland.
 - iv. The incinerator is at least two metres from any flammable materials.
 - v. The outlet of the incinerator is covered with a screen having a mesh size of not more than five millimeters.
5. No person shall burn crop residue or grass or leaf litter, without first obtaining a fire permit from the municipal office and the following conditions must be satisfied:
 - i. The total area to be burned does not exceed one hectare;
 - ii. A responsible person is available to tend the fire until the fire is extinguished;
 - iii. The length of the flaming edge will not exceed 30 metres;
 - iv. The fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier during the fire season.
 - v. The person tending the fire has tools and/or water adequate to contain the fire within the fire site.
6. Without, in any way, limiting the restrictions set out in Sections 2, 3, 4, and 5 above, or any exemptions set out below, only dry wood or wood by-products, brush, grass, or leaf litter shall be burned in fires set outdoors.

Burning Restrictions continued

7. No person shall set any fire outdoors to burn, or shall burn outdoors, any kitchen garbage, construction materials (other than wood), or materials made of or containing rubber, plastic, petroleum, or tar.
8. No open air fire shall be ignited when the conditions are as such as may cause any or all of the following:
 - i. A decrease in visibility on any highway or roadway,
 - ii. Inconvenience or irritation to others,
 - iii. Fire spread through grass, brush, forested area, or other property that was not intended to be burned,
 - iv. A contravention of any other municipal by-law, or any provincial or federal legislation.

EXEMPTIONS

9. Notwithstanding the provisions of Sections 3, 4, or 5, an open fire may be set, without a permit, when such burning consists of a small confined fire, which is supervised at all times and is used to cook food on a grill or a barbecue, or is used to provide personal warmth.

PERMITS

10. The person to whom a fire permit is issued shall ensure that the material burned and the method of burning is consistent with information provided to the Chief Fire Official and that all conditions of the permit are adhered to.
11. The Chief Fire Official or designate may, at his/her sole discretion, cancel any fire permit, order any fire extinguished, or enact a fire ban within the municipality when and/or where conditions warrant.


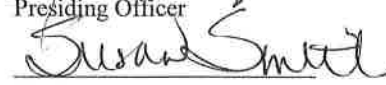
PENALTY

1. All persons setting an open fire in the Municipality may be held:
 - a) Responsible for any damage to property or injury to persons occasioned by said fire, and
 - b) Liable for any costs incurred by the municipality, including necessary personnel, equipment, and apparatus called in to extinguish the said fire.

This by-law shall come into effect on the final date of passage.

Read a first and second time this 23rd day of March 2005.

Read a third time and finally passed this 23rd day of March 2005.


Presiding Officer

Clerk

THE CORPORATION OF THE TOWNSHIP OF HORNEPAYNE
SCHEDULE "A" TO BY-LAW NO. 948

FIRE PERMIT

Under the Municipal Act, and By-law No. 948 and section 5 of O. Reg. 207/96 of the Forest Fires Prevention Act, and subject to the limitations thereof and to the terms and conditions herein, this permit is issued to:

Name of permittee in full (use block letters)

Postal Address

Telephone Number

To start a fire upon the following lands: Township of Hornepayne

Lot Number

Concession Number

Civic Address #

Street

For the purpose of burning:
 yard in an incinerator windrow brush piles grass/field/crops

From the _____ day of _____ to the _____ day of _____, inclusive, subject to the following terms and conditions.

1. The permittee shall keep a copy of this permit 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 his/her copy of the permit to any officer whenever requested by that officer.
3. The fire is to be started two hours before sunset, or later, and is to be extinguished two hours after sunrise the following day, or earlier.
4. The amount to be burned, at any time, shall not exceed 1 hectare or 2 piles.
5. All slash and land-clearing debris shall be in piles or windrows, separated by a distance of at least 9 metres. Windrows shall not exceed 6 metres in length.
6. The permittee shall have at the location of the fire, a minimum of (two)2 persons and adequate firefighting equipment in serviceable condition.
7. Burning may not be conducted in winds greater than 15 kph.
8. The permittee shall assume full responsibility for the burning operation conducted under this permit.

Place of Issue

Date of Issue

Time of Issue

Signature of Permittee

Signature of Issuing Officer

Original will be kept at the municipal office
Copy to Permittee