

THE CORPORATION OF THE TOWNSHIP OF DORION

BY-LAW NO. 930-18

Being a by-law to repeal and replace By-law No. 917-18 to provide for the regulation of open air burning of materials and to govern the issuance of fire permits.

WHEREAS the *Municipal Act, S.O. 2001* no longer contains the authority for regulating the setting of open air fires. Such authority has been transferred to the *Fire Protection and Prevention Act*;

AND WHEREAS it is deemed advisable to exercise the authority conferred by the said Act within the municipality;

AND WHEREAS a Council of a municipality may pass by-laws according to *Sec. 7.1 (1) of the Fire Protection and Prevention Act 1997*;

- 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 WHEREAS Section 426 (1) of the *Municipal Act* states that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a By-law passed under this Act;

AND WHEREAS the Council of the Corporation of the Township of Dorion deems it expedient to enact a by-law to regulate the open air burning of materials and to govern the issuance of fire permits;

NOW THEREFORE the Council of the Corporation of the Township of Dorion enacts as follows:

1. In this by-law;

- a) "Brush piles" means branches, limbs, stumps and parts thereof.
- b) "Campfire" shall be an "Open Air Burn" that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment.
- c) "Chief Fire Official" means the Chief of the Fire Department of the Corporation of the Township of Dorion or his/her designate.
- d) "Conditions" relates to any factor which could increase the fire hazard such as wind velocity, degree of humidity, or proximity of the site to very flammable material.
- e) "Corporation" means the Corporation of the Township of Dorion.
- f) "Council" means the Council of the Corporation of the Township of Dorion.
- g) "Debris" means surface litter (leaves, needles) and combustible wood products.
- h) "Field/Crop burning" means burning a whole or part, of areas of agricultural land and products.
- i) "Fire Department" means the Fire Department of the Corporation of the Township of Dorion.
- j) "Fire Permit" means a permit issued by the Township office or Township selected agencies, the Fire Chief or his/her designates, signifying permission to set or maintain or allow to be set or maintained an "Open Air Burn" and establishing the conditions under which permission is granted from the 1st day of January to the 31st day of December in the same years. In the form attached as Schedule "A" hereto;

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- k) "Fire Season" means the period of the 1st day of April to the 31st day of October in each year. The Chief Fire Official may declare any period between the 1st day of January and the 31st day of March, both inclusive or between the 1st day of November and the 31st day of December, both inclusive, in any year, to be a fire season.
 - l) "Fire Permit Issuer" are defined as those appointed under resolution of the Corporation of the Township of Dorion.
 - m) "Officer" means the Township of Dorion Chief Fire Official, Municipal By-law Officer, members of the Ontario Provincial Police, and/or Fire Officers and Conservation Officers of the Ministry of Natural Resources and Forestry.
 - n) "Off Season" means that period from the 1st day of November of one year to the 31st day of March the following year with no time restrictions for open air burning.
 - o) "Open Air Burning" means a fire set in the Open Air.
 - p) "Peat" means soils with a minimum of 30 per cent organic matter.
 - q) "Person" shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives thereof.
 - r) "Restricted Fire Zone or RFZ" is an Order made by the Ministry of Natural Resources and Forestry (MNR) under the Forest Fires Prevention Act that restricts the use of open air fires in a specific area of the province. It is used when the fire hazard is extreme and/or when firefighting resources are stretched to capacity.
 - s) "Total Burn Ban" shall mean absolutely no open burning within the township.
 - t) "Township" means the Corporation of the Township of Dorion.
 - u) "Windrows" means refuse from land clearing, bulldozed into piles or rows, consisting of soil/gravel, trees, roots, stumps and brush.
2. No person shall burn materials within the Township of Dorion during fire season without obtaining or possessing a Fire Permit.
3. No campground owner/operator of an organized campground shall burn materials or permit materials to be burnt without first obtaining or possessing a Fire Permit. The campground owner/operator will provide you with the rules when campfires are allowed and will decide when it is safe to do so.
4. No person shall ignite fireworks during a fire season in or within 300 metres of a forest or woodland except under the authority of a "Fireworks Permit".
5. Fire Permits shall be issued by a Township Fire Permit Issuer.
6. Open air burning will be permitted during the fire season for small scale burning of wood, brush, leaves or discarded wood by-products and every person shall comply with the following conditions:
- a) Piled Material:
 - tended by a responsible person until out
 - a single pile less than 2 metres in diameter and less than 2 metres high
 - at least 2 metres from any flammable materials
 - the person has adequate tools or water to contain the fire
 - b) Grass and Leaves:
 - tended by a responsible person until out
 - area less than 1 ha
 - less than 30 metres of flaming edge
 - the person has adequate tools or water to contain the fire
 - c) No person shall ignite a fire during wind conditions above 15 km per hour.

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7. No person shall set out a campfire except under the following conditions:
- a) It is a campfire which is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment
 - b) The size of a campfire is to be limited to 1 meter x 1 meter x 1 meter (3.3' x 3.3' x 3.3') on a non-combustible surface.
8. It is the condition of the fire permit that:
- a) the permittee shall be present at the site of the burning operations conducted under the permit and shall not be under the influence of alcohol or narcotics.
 - b) the permittee shall have the permit at the site of the burning operation conducted under the permit and shall produce and show the permit to any officer, whenever requested by the officer; and
 - c) the permittee assumes full responsibility for the burning operation conducted under the permit.
9. Every person who starts a fire outdoors shall:
- a) ensure that all conditions will allow the fire to burn safely from start to extinguishment;
 - b) take all necessary steps to keep the fire under control;
 - c) extinguish the fire before quitting the site;
 - d) be present at the site of the fire at all times.
10. An officer is authorized to order any person to put out any fire where it poses a danger to life or property.
11. The Township Chief Fire Official, Municipal By-law Officer, members of the Ontario Provincial Police and/or a Fire Officer and Conservation Officer of the Ministry of Natural Resources and Forestry are authorized to enforce this by-law.
12. During the fire season no open air burning shall be allowed between the time of 10:00 a.m. until 6:00 p.m. each day seven (7) days a week, between the April 1st and October 31st.
13. During the off season, all burning shall be in compliance with this by-law.
14. The time indicated for no burning does not apply to a "Camp Fire" as defined.
15. (a) Every person setting fire in the open air shall comply with all lawful directions of an officer.
- (b) Where in the opinion of the Chief Fire Official, a potential fire danger exists, the Chief Fire Official may suspend, refuse or rescind any permit.
 - (c) Where in the opinion of the Chief Fire Official or his/her designates, day time burning or piles or area larger than already stated may be permitted.
16. Nothing in this by-law shall be deemed to authorize any burning or other act which contravenes the *Environmental Protection Act R.S.O. 1990, c.E. 19*, the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4.*, or any regulations made thereunder.
17. It is declared that if any section, subsection or part or parts thereof of this by-law be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereto are declared to be separate and independent and enacted as such.
18. The provisions of this by-law shall apply to the whole of the Corporation of the Township of Dorion.

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19. (a) Any person who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to extinguish a fire once notification to do so has been given to him/her by the Chief Fire Official shall, in addition to any penalty provided herein, maybe liable to the Township for all expenses incurred for the purposes of controlling and extinguishing of any fire so set or left to burn and such expenses may be covered by court action or in a like manner as municipal taxes. The expenses for which the person may be liable to cover the cost of sufficient personnel and equipment required to control a fire, as set out within Schedule "B" hereof.
- (b) Such expenses shall be equally chargeable in the event that the services of the Dorion Volunteer Fire Department are necessary.
- (c) Any costs chargeable to any person pursuant to section 18 (a) hereof shall be invoiced to the person and paid to the Township within sixty (60) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Clerk of the Township to the collector's roll and collected in the same manner and with the same priority as municipal taxes.
20. 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*.
21. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law. Any person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his/her duties.
22. (a) Schedule "A" Permit for "Open Air Burning", attached to this by-law shall form an integral part of this by-law.
- (b) Schedule "B" Cost of Fire Department Services, attached to this by-law shall form an integral part of this by-law.
- (c) Schedule "C" Set Fines, attached to this by-law shall form an integral part of this by-law upon approval from the Senior Regional Justice of the Ontario Court of Justice.
23. By-law No. 917-18 is hereby repealed.
24. This By-law comes into force and takes effect immediately upon the final passing thereof.

Read a first and second time this 6th day of November 2018.

Read a third time and finally passed this 6th day of November 2018.



Reeve



Clerk-Treasurer



Schedule "A" By-Law # 930-18

THE CORPORATION OF THE TOWNSHIP OF DORION FIRE PERMIT FOR "OPEN AIR BURNING"

**This Permit is valid until the 31st Day of
December 20__**

No. _____

Name of Permittee in Full: _____

Home Address: _____

Telephone No.: _____

To start a fire upon the following lands:

Lot No. _____ Conc. No. _____ Emergency Identification No. _____

For the purposes of burning:

_____ brush _____ grass (yard) _____ peat _____ windrow _____ debris

_____ fields/crops _____ smudge _____ campfire

Place of Issue: _____

Date of Issue: _____

This Permit is issued subject to the following conditions:

1. This Permittee acknowledges having read and understood By-law No. 930-18
2. This Permit shall be in effect from the date of application to the last day of December of the same calendar year.
3. It is the responsibility of the person issued the permit to check and monitor burning conditions as well as to ensure a "Restricted Fire Zone" and/or "Total Burn Ban" is not in place.
4. **From April 1st until October 31st burning is permitted after 6 PM until 10 AM only. No Daytime Burning is allowed without approval from the Chief Fire Official.**

By Checking this box, you agree to the conditions of this permit.

I understand that this permit is not valid unless I agree to the conditions of this permit.

Signature of Permittee

Signature of Fire Permit Issuer

IN CASE OF EMERGENCY - CALL 911
PLEASE READ BACK OF PERMIT FOR OTHER
CONDITIONS

OTHER CONDITIONS TO THE FIRE PERMIT

1. No burning in winds greater than 15 km/hr.
2. The permittee shall have enough fire fighting equipment or water at the burning site to control the fire at all times.
3. The permittee must ensure that the smoke from the burning operations does not interfere with the vehicular traffic or any other person.
4. Open air burning will be permitted during the fire season for small scale burning of wood, brush, leaves or discarded wood by-products with the following conditions;
 - a) Piled Material:
 - a single pile less than 2 metres in diameter and less than 2 metres high
 - at least 4 metres from any flammable materials
 - b) Grass and Leaves:
 - Area less than 1 ha.
 - Less than 30 metres of flaming edge
5. Except under the authority of a "special permit", no person shall ignite fireworks during a fire season in or within 300 metres of a forest or woodland.
6. It is the condition of the fire permit that;
 - a) the permittee shall be present at the site of the burning operations conducted under the permit and shall not be under the influence of alcohol or narcotics.
 - b) any person who contravenes any provision of this by-law or any order made thereunder or any condition of a permit issued thereunder may be liable for all damages to public and/or private property caused by fire and may also be liable for the full cost of extinguishing the fire.
7. A responsible person tends the fire until it is extinguished.
8. If the permittee wishes to burn during the day or burn piles or area greater than the above-mentioned sizes, a Chief Fire Official shall be called to approve the burn.

The Corporation of the
Township of Dorion

Schedule "B"

To By-law No. 930-18

Being a by-law to repeal and replace By-law No. 917-18 to provide for the regulation of open air burning of materials and to govern the issuance of fire permits

COST OF FIRE DEPARTMENT SERVICES

The expenses for which the "Person" may be liable, cover the cost of sufficient personnel and equipment required to control a fire, as referred to within Section 6 of By-law No. 917-18 and such costs have been deemed as being:

\$420.00 per vehicle for the first hour or part thereof.

\$220.00 per vehicle for each subsequent half hour or part thereof.

This shall be calculated from the initial dispatch of the fire department or any fire department under contract or agreement, until such time as each vehicle is back in service (defined as when the vehicle is back at the fire station and has been replenished with the requirements for the unit to respond to the next activation)

These fees are in addition to any fines or penalties established elsewhere, in accordance with this by-law.

Costs will be invoiced by the "Township of Dorion" and will be due sixty (60) days from the date of invoice.

Schedule "C"
Part I Provincial Offences Act

By-Law No. 930-18

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Item	Short Form Wording	Provision Creating or Defining Offence	Set Fines
1	Burn material(s) without obtaining or possessing a valid permit	Section 2	\$200.00
2	Burn material(s) without obtaining or possessing a valid permit - Organized Campground	Section 3	\$200.00
3	Ignite fireworks in or within 300 meters of a forest or woodland – no permit	Section 4	\$200.00
4	Burn 2 or more piles more than 2 m in diameter and 2 m high	Section 6 (a)	\$125.00
5	Burn 2 or more piles less than 2 m from any flammable material(s)	Section 6 (a)	\$125.00
6	Burn grass and leaves in an area more than 1 ha	Section 6 (b)	\$125.00
7	Burn grass and leaves - more than 30 metres of flaming edge	Section 6 (b)	\$125.00
8	Ignite fire – winds exceed 15 km/hr	Section 6 (c)	\$125.00
9	Set out a Campfire – unauthorized size and purpose	Section 7	\$125.00
10	Permit holder failed to service an open fire	Section 9	\$100.00
11	Hinder or obstruct any person	Section 21	\$200.00

Note: The general penalty provision for the offences indicated above is Section 20 of By-law No. 930-18, a certified copy of which has been filed.