

**THE CORPORATION OF THE
TOWNSHIP OF OTONABEE-SOUTH MONAGHAN**

BY-LAW NUMBER 2010-36

Being a By-law for prescribing the Times and Conditions
For setting Fires in the Township of Otonabee-South Monaghan
and Establishing Penalties

WHEREAS the Corporation of the Township of Otonabee-South Monaghan deems it expedient to establish times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires;

AND WHEREAS under Section 35(1) of the Ontario Fire Code, O. Reg. 388/97, the Fire Marshal, a Fire Chief or an Assistant to the Fire Marshal may issue an order to pay the costs incurred by the Province of Ontario or a municipality;

NOW THEREFORE, the Council of the Corporation of the Township of Otonabee-South Monaghan enacts as follows:

1. **Definitions** – In this by-law:
 - a. **“Municipality”** means the Corporation of the Township of Otonabee-South Monaghan and the geographic area thereof.
 - b. **“Fire Chief”** means the Fire Chief of the Township of Otonabee-South Monaghan, appointed under Section 6(1) of the Ontario Fire Code.
 - c. **“Fire Department”** means the Township of Otonabee-South Monaghan Fire Department.
 - d. **“Incinerator”** means equipment intended for outdoor burning and shall conform to NFPA 82 “Incinerators and Waste and Linen Handling Systems and Equipment. This does NOT include a barrel.

- e. **"Occupant"** means the person(s) residing in premises which he/she does not own.
 - f. **"Open Air Fire"** means any fire which is set outside a building. A permit is not required for a small, confined fire, supervised at all times, which is used to cook food on a grill or barbecue. Should such a fire spread, resulting in the attendance of the Fire Department, paragraph 3 of Schedule "A" will apply.
 - g. **"Owner"** means the person(s) shown on the latest Assessment Roll.
 - h. **"Permit"** means written authority provided by the Fire Chief or his/her designate, attached hereto as Schedule "A" and forming part of this by-law.
 - i. **"Tenant"** means the person(s) renting or leasing premises.
2. Except as specified in 1. Definitions, subsection (f), all persons shall obtain a permit from the Fire Chief or his/her designate before setting an open air fire in the Municipality. Permits may be obtained by calling (705) 295-6852 or 1-800-999-4861, during normal business hours: 8:30 am to 4:30 pm Monday to Friday. Dispatch unit must be informed immediately before the fire is started and when it is completely out.
 3. A permit may be cancelled or suspended at any time by the Fire Chief or his/her designate. Upon receiving notice of such cancellation or suspension, the holder of such permit shall immediately extinguish any fire(s) started under the said permit.
 4. Notwithstanding the provisions of this by-law, the Fire Chief or his/her designate may upon application, approve the setting of any fire subject to the fire being supervised by the Fire Chief of the Otonabee-South Monaghan Fire Department.
 5. Any person who contravenes any provisions of this by-law is guilty of an offence and is liable to proceedings under the Provincial Offences Act.

6. This by-law may be cited at the "**Township of Otonabee-South Monaghan Open Air Burning By-law.**"
7. This by-law shall come into force and effect upon the third and final reading thereof.

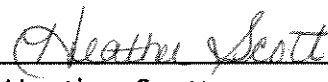
Read a First time this 19 day of July, 2010

Read a Second time this 19 day of July, 2010

Read a Third time and Finally passed this 19 day of July, 2010.



Reeve – David P. Nelson



Clerk – Heather Scott

Schedule "A"
To By-law 2010 – 36

Conditions for Open Air Burning

1. All persons shall obtain a permit from the Fire Chief or his/her designate before lighting a fire in the open air.
2. The permit shall show the following details:
 - a. Name of Applicant (indicating whether owner/occupant/tenant)
 - b. Location of the proposed fire (lot & concession), Ward (Otonabee or South Monaghan), street address if available
 - c. All conditions contained in this Schedule "A"
3. **Responsibility**
 - a. All persons setting an open air fire shall be responsible for any injury or damage to persons or property resulting from the said fire.
 - b. All persons obtaining the necessary permit and setting an open air fire shall be responsible for all costs incurred by the Fire Department, if the Department is called to extinguish the said fire. Such costs shall be calculated in accordance with the current fee structure established by the Ministry of Transportation Ontario (MTO).
 - (1) Per vehicle for first hour – based on current MTO rates
 - (2) Per vehicle per half-hour thereafter – based on current MTO rates

Times shall be calculated from the receipt of the alarm through to the time the responding personnel and equipment are back in service.

- c. Any person who sets an open air fire without first obtaining necessary permit or without confirming the date/time of the fire with the Dispatch Unit shall be liable for a fine of \$300.00, and, if the services of the Fire Department are necessary, charges as set out in Section 3. Responsibility, Subsection (b) shall also be payable.

4. **Weather Conditions**

No open air burning shall be permitted when the wind is in such a direction or of such intensity that the following conditions occur:

- a. A decrease in visibility on any highway or roadway
- b. A rapid spread of fire through grass or brush area
- c. An adverse effect on neighbouring persons or property
- d. At all times, protection of the environment shall be a primary concern.

5. **Materials**

- a. Material to be burned shall be limited to wood or wood by-products
- b. No hazardous materials shall be burnt. This category includes all plastics, petroleum products, rubber, painted materials, etc.
- c. Household waste shall not be burnt
- d. Not more than one (1) cubic metre of material shall be burned at one time.
- e. In lands zoned as Agricultural (in Otonabee Zoning By-law No. 12-79) or Rural (in South Monaghan Zoning By-law No. 74-8), permit may be granted for disposal of vegetation (eg. Brush or dry grass), which is normal and incidental for farming purposes. Fire Department must be notified each time it is proposed to light such a fire.

6. The fire shall be maintained and supervised at all times.
7. Adequate means of extinguishing the fire shall be available at all times at the site during burning, and until the fire is completely out.
8. The fire shall be at least **150 metres** from any building.