

CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

BY-LAW NO. 10-2011

BEING A BY-LAW TO REGULATE THE SETTING OF FIRES, PRESCRIBING THE TIMES IN WHICH FIRES CAN BE SET, AND SET OUT PRECAUTIONS TO BE TAKEN WITHIN THE BOUNDARIES OF THE TOWNSHIP OF BLACK RIVER-MATHESON.

WHEREAS pursuant to Section 10 (2) of the Municipal Act 2001, a municipality may regulate matters for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS pursuant to Section 7.1(1) of the Fire Protection and Prevention Act S.O. 1997 c.4, as amended, a municipality may pass by-laws regulating fire prevention, regulating the setting of open air fires, including the times during which open fires may be set;

AND WHEREAS Section 7.1(4) of the Fire Protection and Prevention Act S.O. 1997 c.4, as amended, provides for a municipality to 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 Section 7.1 are being complied with;

AND WHEREAS the Council of the Corporation of the Township of Black River-Matheson deems it desirable and necessary for the protection of its citizens to enact a by-law respecting the control and management of fires;

NOW THEREFORE the Council of the Corporation of the Township of Black River-Matheson enacts as follows:

1. DEFINITIONS

For the purpose of this by-law, the following definitions shall apply;

- **BRUSH** means a dense growth of bushes or shrubs and/or cut or broken branches.
- **BUILDING** means any structure consisting of walls and a roof or any part or combination thereof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods or materials, or a structural system serving a function thereof. Structure and building shall have a corresponding meaning.

- **BONFIRE** means a large fire built outdoors which is larger than a campfire, and is used for signaling or in celebration of an event supervised at all times.
- **CAMPFIRE** means a small fire, contained by rocks, bricks or similar material, no larger than 1 meter by 1 meter by 1 meter in size, supervised at all times and used to cook food or to provide warmth, but does not include a bonfire.
- **CHIMENEA/RECREATIONAL FIREPLACE** is a freestanding front-loading fireplace or oven with a bulbous body and usually a vertical smoke vent or chimney.
- **CONTAINED** means to enclose, restrain, hold or to keep within limits.
- **CONTROLLED FIRE** means a prescribed ignition undertaken by the Municipality or other government agency for maintenance purposes.
- **CORPORATION** means the Corporation of the Township of Black River-Matheson.
- **COUNCIL** means the Council of the Corporation of the Township of Black River-Matheson.
- **DEBRIS** is the scattered remains of something broken or destroyed; rubble or wreckage, carelessly discarded refuse, litter.
- **EXTINGUISH** means to put out or quench a fire completely. No smoke, hot or glowing embers are to remain.
- **FIELD** means a broad, level, open expanse of land.
- **FIRE CHIEF** means the person appointed as Fire Chief of the Corporation of the Township of Black River-Matheson.
- **FIRE PREVENTION OFFICER (FPO)** means the person appointed as the Fire Prevention Officer of the Corporation of the Township of Black River-Matheson.
- **HIGHWAY** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, lane any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

- **INCINERATOR** means a burn barrel (commonly a 45 gallon steel drum) or other similar equipment used for the purpose burning waste having a metal covering with openings no larger than 5 millimeters in size.
- **MUNICIPAL LAW ENFORCEMENT OFFICER** means the person appointed as the By-law Enforcement Officer of the Corporation of the Township of Black River-Matheson.
- **NUISANCE** means excessive smoke, smell, airborne sparks or embers that is likely to disturb others.
- **OFFICER** shall include the Fire Chief, Fire Prevention Officer, the By-law Enforcement Officer and/or their designates.
- **OPEN AIR** means any open place, yard, field or construction area which is not enclosed by a building or structure.
- **OPEN AIR BURN** means a fire used to burn grass, shrubs, brush which is not contained. OPEN AIR FIRE shall have corresponding meaning.
- **OWNER** means any person, firm or corporation having control over any portion of the property under consideration.
- **PERMIT** means a fire permit issued by the Township of Black River-Matheson to set a fire in the open air for a specified period of time.
- **REFUSE** means anything thrown away or rejected as worthless or useless, includes waste trash, rubbish.
- **RURAL AREA** means zones as set out in the Township of Black River-Matheson Zoning By-law.
- **SLASH PILE** an open place in a forest, cluttered with branches, chips, or other debris, as from the cutting of timber
- **URBAN AREA** means the zones set out in the Township of Black River-Matheson Zoning By-law.
- **WASTE** includes refuse or garbage of any kind whatsoever and without limiting the generality of the foregoing includes:
 - i) Domestic waste which means kitchen waste, food, scraps, cloth, rags, clothing, plastics and any other materials which contents include any of the aforementioned.
 - ii) New or used tires
 - iii) Clothing, crockery, glass, cans, and plastic.

- iv) Petroleum products
- v) Yard waste

- **WINDROW** means a long row of cut hay or grain left in the field before being bundled. Also includes debris and brush from land clearing operations.
- **YARD WASTE** includes but is not limited to grass, leaves, brush trimmings, spent flowers, garden plants, weeds, pine needles, hay, straw & sawdust.

2. GENERAL REQUIREMENTS

- a. The provisions of this by-law shall apply to all land within the boundaries of the Corporation of the Township of Black River-Matheson.
- b. The person for whom the permit has been issued shall be responsible for complying with the provisions of this By-law and any other legislation in respect to the setting of fires.
- c. No person shall set fires out of doors in the Municipality between the hours of eight o'clock in the morning (8:00 am) and six o'clock in the evening (6:00 pm), during the months of April, May, June, July, August, September and October, unless otherwise stated in this By-law.
- d. All fires shall be supervised at all times by the owner or his/her agent who the permit is issued.
- e. All fire scenes shall be equipped with safety equipment such as an operational water hose, portable fire extinguishers, rakes and shovels.
- f. No owner or person shall have, or cause to have any fires within the urban areas of the Corporation of the Township of Black River-Matheson unless otherwise stated in this By-law.
- g. No permit shall be issued to any person unless such person has reached the age of majority.
- h. Where, in the opinion of the Fire Chief, Fire Prevention Officer or the By-law Enforcement Officer, a potentially dangerous situation exists, due to fire, smoke, weather or environmental health concerns, the permit may be refused, suspended or rescinded.

- i. Where, in the opinion of the Fire Chief, Fire Prevention Officer or the By-law Enforcement Officer, a potentially dangerous situation exists, due to fire, smoke, weather or environmental health concerns shall order the fire to be extinguished.
- j. No person shall set a fire or permit a fire to burn where it may cause a nuisance to neighbouring property.
- k. No person shall set a fire or permit a fire to burn which will cause the smoke of said fire to interfere and decrease the visibility on any highway so as to cause or potentially cause an accident.
- l. Campfires are permitted in rural areas only. A permit is not required to light or maintain a campfire. Section 2(c) shall not apply to campfires.
- m. This By-law shall not apply to barbecues.
- n. The Township of Black River-Matheson Fire Department shall not conduct any controlled burns on private property.
- o. The Township of Black River-Matheson Fire Department, if required and approved by Council, shall conduct controlled burns only on municipally owned property, whether in an urban or rural area.
- p. No person shall light a fire or permit a fire to burn during a fire ban.

3. CHIMENEA/RECREATIONAL FIREPLACE

A chimenea/recreational fireplace shall be permitted within urban areas and is subject to the following regulations;

- a. No owner or person shall light or maintain a fire without first obtaining a permit,
- b. All chimenea/recreational fireplaces shall be certified by the Canadian Standards Association or another accredited testing laboratories.
- c. All chimenea/recreational fireplaces shall be equipped with an approved spark arrester.
- d. All chimenea/recreational fireplaces are to be at least 3m (10 feet) from buildings, trees or other combustible materials.

- e. The Fire Chief, Fire Prevention Officer or the By-law Enforcement Officer or his/her designate may require additional criteria be met for the protection and safety of persons and property (i.e.; a cement base).
- f. Only clean wood burning material can be used. The burning of waste, petroleum products, rubber, garbage, domestic waste, yard waste or anything that will cause excessive smoke is prohibited.
- g. Permits for a chimenea/recreational fireplace will be valid from 6:00 pm till 2:00am

4. OPEN AIR BURN/OPEN AIR FIRE

For the purpose of open air burning, the following regulations shall be maintained:

- a. No person shall light or maintain a fire without first obtaining a permit.
- b. The owner shall ensure that no fire is ignited with gasoline, oil or any other toxic substance or material.

5. INCINERATOR

For the purpose of lighting or maintaining a fire within an incinerator, the following regulations shall be maintained:

- a. No person shall light or maintain a fire without first obtaining a permit.
- b. Incinerators shall only be installed in rural areas.
- c. Ensure that no fire is lit or maintained within 3m (10 feet) of a building, structure, property line or other combustibles and must be covered by a metal mesh material with openings not more than 5 millimeters in size.

FIRE PERMIT

The Township of Black River-Matheson hereby approves and adopts the Fire Permit attached as Schedule "A" to this by-law as this municipality's official Fire Permit.

FIRE DEPARTMENT RESPONSE

In the event that the Township of Black River-Matheson Fire Department responds to an alarm call and is required to extinguish any open or contained fire or a fire from a chimenea which has escaped from control, the owner of the property shall be liable for a cost of the attendance of the Fire Department. Such costs are as set out in the Township of Black River-Matheson fees and charges by-law. In addition to being liable for any cost incurred by the attendance of the Township of Black River-Matheson Fire Department, the owner the property shall be liable for any other cost incurred by any other Agencies for the attendance to extinguish any open or contained fire or a fire from a chimenea which has escaped control.

ADMINISTRATION

The Fire Chief, By-law Enforcement Officer and their designates shall have the authority to administer this by-law in its entirety. Any and all schedules attached shall form part of this by-law.

VIOLATIONS AND PENALTIES

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00, as set out in The Provincial Offences Act, R.S.O. 1990, Chapter P.33.

This by-law may be cited as the Township of Black River-Matheson Fire Control By-law.

VALIDITY

If any section, clause or provision of this by-law, including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provisions so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have to be declared invalid.

This by-law shall come into force and By-law Numbers 18-2006 and 26-2009 shall be rescinded upon final approval of the Set Fine Schedule by the Ministry of the Attorney General.

Any permits depicting the By-law No. 2004-08 shall be deemed to be referring to this by-law and used until such times new permits are available indicating the revised by-law number.

Read a first and second time this _____ day of _____, 20____.

Read a third time and finally passed this _____ day of _____, 20____.

MAYOR

CLERK