

THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON

BY-LAW NO. 698-09

ENTITLED a By-law to regulate the setting of open air fires and provide for fees for contravention of this by-law and costs of suppression.

WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended provides:

- in subsection 7.1(1)(a) that a Council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading of fires;
- in subsection 7.1(1)(b) that a Council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;
- in subsection 7.1(3) that a by-law passed under section 7.1 may deal with different areas of the municipality differently;
- in subsection 7.1(4) that a municipality may 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 this section are being complied with;

AND WHEREAS paragraph 2.6.3.4 of the Fire Code provides that open air burning shall not be permitted unless approved by the Fire Chief, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbeque;

AND WHEREAS Section 391 of the Municipal Act, 2001 c. 25 as amended, authorizes Councils of local municipalities to pass by-laws imposing fees for the services provided;

AND WHEREAS the Council of the Corporation of the Township of Stirling-Rawdon feels it is imperative that a procedure for permission to openly burn be established;

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON HEREBY ENACTS AS FOLLOWS:

Definitions:

For the purpose of this by-law:

- a) **Barbeque:** means appliances including a hibachi, or structure designed and intended solely for the cooking of food in the open air, and other similar commercially manufactured devices designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth, fire pits or campfires.
- b) **Open Burning Device:** means any commercially manufactured device for the purpose of containing a recreational fire.
- c) **Recreational Burning:** means an “open air burn” that is set and maintained solely for the purposes of providing warmth or recreational enjoyment.

- f) **Fire Department:** means the Township of Stirling-Rawdon Fire Department and any member thereof.
- g) **Open Air Burning:** means the burning of any material outside of a building, including without limiting the generality of the foregoing, wood, cardboard, brush or garden waste where the flame is not wholly contained and is thereby, open to the air.
- h) **Township:** means The Corporation of the Township of Stirling-Rawdon.

1. This by-law may be cited as the Open Air Burning By-law.
2. No person shall light a fire on any land within the Corporation of the Township of Stirling-Rawdon for any purpose other than to cook on a barbecue without the benefit of an approved burning permit as set out in Schedule 'A' issued under the provisions of this by-law.
3. Only recreational burning will be allowed within the Geographic limits of the former Village of Stirling provided a burning permit has been issued and all burning is contained within an open burning device.

4. Regulations for Recreational Burning:

The following regulations shall apply with respect to Recreational Burning:

- a) Recreational burning shall be confined to an approved open burning device.
- b) No material other than commercially produced charcoal, briquettes or clean, dry seasoned wood, not including pressure treated wood or creosote treated wood, may be burned.
- c) The wood being burned shall be totally confined within the open burning device.
- d) Recreational burning shall be confined to a location that provides for a minimum distance of 3 metres (9.8 feet) in all directions from adjacent properties.
- e) Smoke from recreational burning must not obscure roads or homes and must not inconvenience other persons or properties.
- f) Recreational burning shall be confined to an area that is a minimum of 3 metres (9.8 feet) from combustible structures or objects.
- g) An effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire shall be immediately available for use.
- h) Recreational burning shall be attended, controlled and supervised by a competent person at all times and shall be completely extinguished before the recreational burn site is vacated.
- i) Recreational burning is not permitted when the wind speed exceeds 30 kilometers per hour, during a restricted fire ban, or when a smog alert has been declared by the Ministry of Environment.

7. This by-law shall be administered by the Fire Chief or his/her designate of the Township of Stirling-Rawdon.
8. The Fire Chief or his / her designate may, at any time, and in the exercise of his or her sole discretion, issue a "Fire Ban" effective for a specified period of time, prohibiting the setting of any and all "Open Air Fires" within any area of the Township. During this time all Burning Permits will be revoked.
9. The Fire Chief or his / her designate may revoke any or all "permits", or refuse to issue "permits" where, in the opinion of the Fire Chief or his / her designate, the ability to control the fire is hampered by the existence of a Dangerous Condition, which exists on or in the proximity of the proposed Open Air Burning site.
10. The Township of Stirling-Rawdon shall levy the fees as set out in the attached Schedule 'C' which fees shall be due and owing to the Township of Stirling-Rawdon for each occasion upon which the Fire Department attends at the site of an open air fire at which there is no permit holder or at which the provisions of schedule 'B' of the fire permit have been contravened. Said fees are payable to the Township of Stirling-Rawdon by the party or parties who are deemed by the Fire Chief or his agent or assign, to be responsible for the cause of the fire.
11. Where said fees are not paid within thirty days of the date of demand, said fees will be added to the tax roll of the Township of Stirling-Rawdon and will be collected in like manner as municipal taxes.
12. In addition to any other penalty prescribed by this by-law 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 and included with Schedule 'D' forming part of this by-law.
13. The Fire Department shall be exempt from the provisions of this by-law with respect to open air burning set for the purposes of educating and the training of individuals.

14. Regulations for Open Air Burning on Farms:

The following regulations shall apply with respect to open air burning on farms:

- a) No person shall conduct an open air burn on a farm without first obtaining a burning permit.
- b) No person shall conduct, or permit to be conducted, an open air burn on a farm without first notifying the Fire Department in person or by telephone.
- c) All persons who are required to give notification prior to an open air burn on a farm shall also notify the Fire Department in person or by telephone at the conclusion of the burn.
- d) Open air burning on farms may only be conducted during daylight hours.
- e) Open air burning shall be attended, controlled and supervised by a competent person at all times and shall be completely extinguished before the burn site is

- h) Open air burning shall be confined to an area that is at least 45 metres (150 feet) from any building, highway, road, or wooded area.
- i) Steps must be taken to ensure that smoke caused by an open air burn does not have a negative impact on the visibility of motorists using roads in the vicinity of the burn and must not inconvenience other persons or property.

15. In the event any Court of competent jurisdiction should adjudge that any section or sections of this by-law may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the by-law and the remainder of the by-law shall stand and be enforceable to the same extent as if the offending section or sections had not been included therein.

16. By-law no. 611-07 is hereby repealed.

17. This by-law shall come into full force and effect upon receipt of approval from the Ontario Court of Justice for the Fines as set out in Schedule 'D' attached.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
DAY OF _____, 2009.**

MAYOR

CLERK