

**THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE**

BY-LAW NO. 571-2010

Being a by-law to provide for the regulation of open air burning of materials and to govern the issuance of fire permits.

WHEREAS Section 10 of the *Municipal Act*, R.S.O. 1990, chapter M.45 provides that Council may pass by-laws respecting health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS the *Fire Protection and Prevention Act, 1997, S.O. 1997*, Section 7.1 states a council of a municipality may pass by-laws regulating the setting of open air fires including the times during which open air fires may be set;

AND WHEREAS the *Ontario Fire Code O. Reg. 388/97* Section 2.6.3.4 provides that open fires shall not be permitted unless approved or unless such burning consists of a small contained fire supervised at all times and used to cook food on a grill or a barbeque;

AND WHEREAS open air fires which may escape from control constitute a danger and expense for persons and property within the Corporation of the Municipality of Oliver Paipoonge;

AND WHEREAS the Council for the Corporation of the Municipality of Oliver Paipoonge 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 Municipality of Oliver Paipoonge enacts as follows:

1. In this by-law:
 - a. "Brush piles" mean branches, limbs, stumps or parts thereof.
 - b. "Chief Fire Official" means the Chief of the Fire Department of the Corporation of the Municipality of Oliver Paipoonge.
 - c. "Conditions" relate 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.
 - d. "Corporation" means the Corporation of the Municipality of Oliver Paipoonge.
 - e. "Council" means the Council of the Corporation of the Municipality of Oliver Paipoonge.
 - f. "Debris" means surface litter (leaves, needles) and combustible wood products.
 - g. "Field/Crop burning" means burning in whole or in part, of areas of agricultural land and products.
 - h. "Fire Department" means the Fire Department of the Corporation of the Municipality of Oliver Paipoonge.
 - i. "Fire Permit" means a form substantially similar to the form attached as Schedule "A" to this by-law.
 - j. "Fire Season" means the period from the 1st of January to the 31st day of December in each year.
 - k. "Incinerator" means container meeting the requirements as specified in Section 7 of this by-law.
 - l. "Municipal Fire Warden" and/or "Fire Permit Issuer" are defined as those appointed under by-law of the Corporation of the Municipality of Oliver Paipoonge.
 - m. "Officer" means Municipal Chief Fire Official, Municipal Fire Warden, Municipal By-law Officer, Ontario Provincial Police or Municipal Police member, and/or Fire Officers and Conservation Officers of the Ministry of Natural Resources.
 - n. "Peat" means soils with a minimum of 30 per cent organic matter.
 - o. "Windrows" means refuse from land clearing, bulldozed into piles or rows, consisting of soil/gravel, trees, roots, stumps and brush.

2. No open air burning shall be permitted during the fire season without a fire permit unless,

such burning consists of a small contained fire supervised at all times and used for cooking or warmth as provided in Regulation 457 under the *Forest Fires Prevention Act*.

3. Except under the authority of a fire permit, no person shall ignite fireworks during a fire season in or within 300 metres of a forest or woodland.
4. Every person who starts a fire outdoors or is in charge or apparently in charge of a fire outdoors shall:
 - a. Keep the permit at the site of the burning operation conducted under the permit.
 - b. The permittee/person in charge of the burning operation conducted under the permit shall produce and show the permit to any officer whenever requested by that officer.
 - c. Not start a fire earlier than 2 hours before sunset and it is to be extinguished 2 hours after sunrise the following day or earlier. Burning at any other times requires permission from the Chief Fire Official.
 - d. The amount to be burned at any one time shall not exceed 1/10 acres or 2 piles.
 - e. All slash and land clearing debris shall be in piles or windrows, separated by a distance of at least 30 feet (10 metres). Windrows shall be in sections not exceeding 20 feet (7 metres) in length.
 - f. Permittee/person in charge shall have at the location of the fire a minimum of 2 persons present and fire fighting equipment in serviceable condition.
 - g. The Permittee/person in charge shall not be under the influence of alcohol or drugs.
 - h. The Permittee shall assume full responsibility for the burning operation conducted under the permit.
5. Subject to Section 4, the fire permit shall be issued by a Municipal Fire Permit Issuer where burning is to occur during the times and wind conditions described below:

<u>DATE</u>	<u>TIME</u>	<u>WIND VELOCITY</u>
Jan. 1st to Dec. 31st	1800pm-0600am	less than 15 km/hr

- a. Authorization shall be obtained from the Chief Fire Official in all other circumstances.
6. Copy of permit issued under this By-law is set out in Schedule 'A'.
7. No person shall operate an outdoor incinerator unless,
 - a. the incinerator is an enclosed device constructed entirely of non-combustible material';
 - b. the incinerator is at least five metres from any forest or woodlands;
 - c. the incinerator is at least two metres from any combustible materials; and
 - d. the outlet of the incinerator is covered with a screen having mesh size of not more than five millimetres.
8. An officer is authorized to order any person to put out any fire where it poses a danger to life or property.
9. The Municipal Chief Fire Official, Municipal Fire Warden, Municipal By-law Officer, members of the Thunder Bay Police Services Oliver Paipoonge Detachment and/or a Fire Officer and Conservation Officer of the Ministry of Natural Resources are authorized to enforce this by-law.
10. Compliance
 - a. Every person setting fire in the open air shall comply with all lawful direction 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.
11. 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 *Ontario Fire Code*, or *Forest Fires Prevention Act*, or any regulations made thereunder.
12. 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.
13. The provisions of this by-law shall apply to the whole of the Corporation of the Municipality of Oliver Paipoonge.
14. Contraventions
 - a. Any fine imposed or offense created by this by-law related to any matter is subject to the provisions of the Provincial Offenses Act.

- 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 the fire and may also be liable for the full cost of extinguishing the fire.
- c. Everyone who breaches a Section of this By-law is guilty of an offense and subject to a maximum penalty of Five Thousand Dollars (\$5000.00) as provided for under the Provincial Offences Act.

15. Accounts

- a. All accounts rendered by the Corporation for services (including expenses by the Corporation) as referred to in Section 14, shall be paid within thirty (30) days of the billing.
- b. If payment is not made by the owner in accordance with the provisions of Section 15a), the Corporation may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes.

16. All by-laws or parts thereof and all or any resolutions of the Council of the Corporation of the Municipality of Oliver Paipoonge inconsistent with this by-law are hereby revoked.

17. This by-law shall come into force and take effect upon the final passing thereof.

18. By-law Number 271-2003 is hereby repealed.

Read a first and second time this 12th day of April, 2010.

Read a third time and finally passed this 12th day of April, 2010.

THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE

Mayor Lucy Kloosterhuis

Jamie Cressman
Chief Administrative Officer/Clerk

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

SCHEDULE "A" TO BY-LAW NO. 571-2010

FIRE PERMIT

No. _____

Under the Municipal Act, and By-law No. 571-2010 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:

MUNICIPALITY OF OLIVER PAIPOONGE

Lot No.

Concession No.

Fire Number

Street

For the purpose of burning:

In an incinerator _____ Brush _____ Grass (yard) _____ Windrow _____

Debris _____ Fields/crop _____ Fireworks _____

From and including the _____ day of _____, 20_____ to end including the

_____ day of _____, 20_____ subject to the following terms and conditions.

1. The permittee shall be on site at all times until the fire is extinguished.
2. The person in charge of the burning operation conducted under the permit shall produce and show the permit to any officer whenever requested by that officer.
3. THE FIRE TO BE STARTED TWO HOURS BEFORE SUNSET, OR LATER, AND IS TO BE EXTINGUISHED TWO HOURS AFTER SUNRISE THE FOLLOWING DAY, OR EARLIER, BURNING AT ANY OTHER TIME, REQUIRES PERMISSION FROM THE CHIEF FIRE OFFICIAL.
4. The amount to be burned at any one time shall not exceed 1/10 acres or 2 piles.
5. All slash and land clearing debris shall be in piles or windrows, separated by a distance of at least 30 feet. Windrows shall be in sections not exceeding 20 feet in length.
6. The permittee shall have at the location of the fire a minimum of 2 persons and firefighting equipment in serviceable condition. As a minimum, the permittee shall have readily accessible on site, 20 litres of water and a portable water carrying device or a garden hose connected to a water source capable of reaching the fire site and 1 shovel having a pointed blade with a minimum blade of 6" wide and 9" long.
7. Burning may not be conducted in winds greater than 15 km/h.
8. This Fire Permit is only valid for the burning of grass, leaves, brush, paper and other clean wood waste or woody debris.
9. The permittee must ensure that the smoke from the burning operations does not interfere with the movement of vehicular traffic or any other person.
10. The permittee shall not be under the influence of alcohol or drugs.
11. The permittee shall assume full responsibility for the burning operation conducted under the permit.

Place of Issue

Date of Issue

Time of Issue

Signature of Permittee

Signature of Issuing Officer

REPORT WILDFIRES TO 911